

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-CIV-80119-MARRA/JOHNSON

JANE DOE NO. 2,

Plaintiff,

-vs-

VOLUME III OF IV

JEFFREY EPSTEIN,

Defendant.

Related cases:

08-80232, 08-08380, 08-80381, 08-80994
08-80993, 08-80811, 08-80893, 09-80469
09-80591, 09-80656, 09-80802, 09-81092

DEPOSITION OF
DETECTIVE JOSEPH RE CAREY

Tuesday, April 219, 2010

10:03 - 5:12 p.m.

505 South Flagler Drive
Suite 1100
West Palm Beach, Florida 33401

Reported By:

Jeana Ricciuti, RPR, FPR, CLR
Notary Public, State of Florida
Prose Court Reporting
Job No.: 1509

Certified Copy

1 IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
2 IN AND FOR PALM BEACH COUNTY, FLORIDA
3 CASE No.502008CA037319XXXXMB AB

4 B.B.

5 Plaintiff,

6 -vs-

VOLUME III OF IV

7 JEFFREY EPSTEIN
8 AND SARAH KELLEN,

9 Defendants.
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DEPOSITION OF
DETECTIVE JOSEPH RECAREY

Tuesday, April 27, 2010

10:03 - 5:23 p.m.

505 South Flagler Drive
Suite 1100
West Palm Beach, Florida 33401

Reported By:
Jeana Ricciuti, RPR, FPR, CLR
Notary Public, State of Florida
Prose Court Reporting
Job No.: 1509

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 10-80309

JANE DOE NO. 103,

Plaintiff,

-vs-

VOLUME III OF IV

JEFFREY EPSTEIN,

Defendant.

DEPOSITION OF
DETECTIVE JOSEPH RE CAREY

Tuesday, April 27, 2010

10:03 - 5:23 p.m.

505 South Flagler Drive
Suite 1100
West Palm Beach, Florida 33401

Reported By:
Jeana Ricciuti, RPR, FPR, CLR
Notary Public, State of Florida
Prose Court Reporting

APPEARANCES:

On behalf of Jane Does 1 through 8:

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 Phone: 305.931.2200

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On behalf of the Defendant, Jeffrey Epstein:

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1 Appearances continued...

2 On behalf of the Witness:

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4 JONES, FOSTER, JOHNSON & STUBBS, P.A.
5 505 South Flagler Drive, Suite 1100
6 West Palm Beach, Florida 33401
7 Phone: 561.659.3000

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13 Also Present: Jeffrey Epstein
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P R O C E E D I N G S

- - -

Deposition taken before Jeana Ricciuti, Registered Professional Reporter and Notary Public in and for the State of Florida at Large, in the above cause.

- - -

Thereupon,

(JOSEPH RE CAREY)

having been first duly sworn or affirmed, was examined and testified as follows:

THE WITNESS: I do.

CROSS (JOSEPH RE CAREY)

BY MR. WEINBERG:

Q. Good morning, Detective.

A. Good morning.

Q. You've been a detective for the Palm Beach Police Department for how long?

A. Approximately, 15 years.

Q. Some of it is as a detective and some of it in another capacity, or always as a detective?

A. I've been with the Town for 19 years, but I did time on the road and then moved up to the detective bureau.

Q. And do they have a written practice in terms of whether or not you're required to preserve rough

1 notes or interview notes of different witnesses?

2 A. No policies, no practice.

3 Q. Do you have personal practice as to whether or
4 not you would retain rough notes that you are
5 contemporaneously taking of interviews with the
6 witnesses?

7 A. I take my notes, transcribe them into my
8 supplements and then shred them.

9 Q. So that you have no rough notes or no
10 handwritten notes --

11 A. Correct.

12 Q. -- of any of the many interviews you took
13 during your investigation of Jeffrey Epstein?

14 A. Correct.

15 Q. It was your practice to take notes while you
16 were interviewing people?

17 A. On occasion, I did, yes.

18 Q. Would you take notes even if you were tape
19 recording the people with whom you were conducting an
20 interview?

21 A. On occasion.

22 Q. And at some point thereafter, you would use
23 those notes as a basis of writing a report; is that
24 correct?

25 A. Correct.

1 Q. And you would type the report into a computer?

2 A. Yes.

3 Q. And that would be essentially signed by you,
4 that would be your personal summary of the interview
5 that you were conducting with one of the many people
6 that gave you information about Mr. Epstein?

7 A. Correct.

8 Q. And it was always your practice in this case
9 to then destroy the notes that you used as a basis for
10 that typed summary; is that correct?

11 A. Correct.

12 Q. And on other cases, is it always your practice
13 to destroy the notes that you would take during the
14 interviews?

15 A. Correct.

16 Q. So you have no notes of any case that you've
17 ever memorialized into a computer or a typed summary; is
18 that correct?

19 A. That is correct.

20 Q. And is that a practice that you've discussed
21 with other detectives in the Palm Beach Police
22 Department?

23 A. It's just a practice that I've done all along.

24 Q. And what is the purpose of your destroying the
25 rough notes?

1 A. There's no need to keep them once you've
2 transcribed them into your supplemental.

3 Q. And again, the transcription into the
4 supplemental is done X number of days after the
5 interview?

6 A. If not the same day.

7 Q. Sometimes a week after, sometimes the same
8 day?

9 A. I wouldn't say a week after. I would say
10 either the same day or the day after.

11 Q. So within 24 hours, you would have a typed
12 summary of the interview; is that correct?

13 A. Approximately.

14 Q. And would you just type your rough notes or
15 would you summarize from your rough notes when you
16 engaged in the process of --

17 A. Summarize.

18 Q. -- your report?

19 So the notes would have more than a summary?

20 A. Obviously, if it was taped, everything would
21 be on the tape recorder. As far as my note-taking
22 concerns, I would jot down things that sparked my
23 curiosity or things I wanted to go back and reinterview
24 the person -- and go back and reinterview the person.

25 Q. So the summary that you typed into a computer

1 would be, in part, your notes, part in memory of
2 different statements made to you based on the jottings
3 in your notes?

4 A. I would basically go over what the interview
5 transcribed, you know, into my supplement.

6 Q. But the basis of the supplemental, and I don't
7 mean to torture the subject, but the basis of the
8 supplement would be, in part, your memory, correct?

9 A. Correct.

10 Q. And then, in part, what your notes refreshed
11 your memory into recalling from the interview that was
12 conducted either at that time, the same day or the day
13 before?

14 A. Correct.

15 Q. Did you listen to the tape before you wrote a
16 supplemental report into a computer?

17 A. Are you saying every time or are you just
18 saying --

19 Q. As a regular practice, would you, at the time
20 that you typed in your supplemental report into a
21 computer, have the tape recording going?

22 A. See, I have done that on other cases,
23 especially lengthy interviews, interviews that last
24 several hours.

25 Q. But it's not a standard practice, it's

1 something you would do on an occasional basis; is that
2 correct?

3 A. Correct.

4 Q. Now, let me ask you in particular, on your
5 incident report, in essence, is a combination of all the
6 different supplemental reports that you typed; is that
7 correct?

8 A. I typed, and other officers as well.

9 Q. Because you came to this investigation at
10 least six months after it began; is that right?

11 A. Approximately, yes.

12 Q. Again, March of 2005?

13 A. Yes.

14 Q. And it began with Officer Michele Pagan being
15 the case agent, if I could call her that?

16 A. Correct.

17 Q. And it began with surveillances that were
18 conducted by the Burglary Task Force?

19 A. Correct.

20 Q. And the Burglary Task Force was a component of
21 the Palm Beach Police Department designed to try to
22 prevent citizens from being the victims of burglaries;
23 is that correct?

24 A. Correct.

25 Q. And yet, they were assigned the task of doing

1 surveillances of Mr. Epstein's residence as El Brillo on
2 Palm Beach, correct?

3 A. Correct.

4 Q. And who made that assignment, if you know?

5 A. I can't recall. That was back when
6 Officer Pagan had the case. But they were also
7 utilizing it for various functions. They were primarily
8 the surveillance units used.

9 Q. And did they surveille residences to try to
10 stop burglaries as well as surveilling Mr. Epstein,
11 right?

12 A. And other functions as well.

13 Q. Sure. And in 2005, there was not any kind of
14 burglary investigation dealing with his residence; is
15 that correct?

16 A. Correct.

17 Q. So to the extent the Burglary Task Force was
18 involved in investigating Mr. Epstein prior to your
19 first involvement in September, it was simply an
20 assignment made of them to assist Officer Pagan,
21 correct?

22 A. Correct.

23 Q. And if you know, did the Burglary Task Force
24 use video surveillance in investigating Mr. Epstein?

25 A. I know that there were some videos taken, but

1 I don't believe from the video -- from the Burglary
2 Strike Force.

3 Q. Was there videos taken by others in the Palm
4 Beach Police Department of Mr. Epstein's residence?

5 A. There was. There were several tapes. Yes,
6 there was.

7 Q. Did you ever direct video surveillance of
8 Mr. Epstein's residence?

9 A. What do you mean "direct"?

10 Q. In other words, was there any video
11 surveillance of Mr. Epstein's residence on or after the
12 time that you became the case agent in the 2005
13 investigation?

14 A. I can't recall. If I did, it would be in the
15 incident report.

16 Q. But you know that there was such video
17 surveillance of Mr. Epstein's residence before you
18 became the case agent in charge of the investigation?

19 A. I can't recall if it was before I took over
20 the case or after I took over the case. I know that
21 there was tapes, but I don't know the exact time frame.

22 Q. Let me ask you and -- let me ask Mr. Pike for
23 one second.

24 MR. WEINBERG: Do we need to use the real
25 names?

1 MR. PIKE: Yes, pursuant to the agreement that
2 was entered last time, the real names can be used.

3 MR. WEINBERG: Chuck is not going to be in
4 agreement, but I can use the real names, and then
5 they will be converted in the transcript to the
6 applicable abbreviations.

7 BY MR. WEINBERG:

8 Q. Jane Doe, do you know that name?

9 A. Not that I recall.

10 Q. So that it's fair that as you sit here today,
11 in 2010, you have no recollection of ever interviewing a
12 woman, a young woman at the time named Jane Doe?

13 A. I don't recall, no.

14 Q. L.M., do you have any recollection of ever
15 interviewing L.M.?

16 A. I went to her home.

17 Q. And what do you recall of going to her home?

18 A. She did not want to speak to me.

19 Q. And did she tell you why she didn't want to
20 speak to you?

21 A. She was in love with Mr. Epstein and she was
22 not going to speak to me.

23 Q. And how did you come to go to her home? Do
24 you recall, you know, what led you to L.M.?

25 A. Her name came up in the investigation either

1 by interviews or -- I believe it was interviews.

2 Q. And do you recall who was interviewed, who
3 would have given you for the first time the name of
4 L.M.?

5 A. There were so many interviews then. I would
6 have documented it in the incident of who supplied what
7 name.

8 Q. So independent of what's documented in an
9 incident report that was largely authored, what's now
10 five years ago, you have no original recollection of who
11 would have first told you about L.M.?

12 A. Like I said, it would be documented in the
13 incident report. You know, we're talking five years
14 ago. You know, tons of interviews.

15 Q. And with Jane Doe, similarly, do you -- you
16 don't remember interviewing her. Do you remember
17 interviewing anybody else about Jane Doe?

18 A. Jane Doe does not ring a bell.

19 Q. Did you ever see her name on any report?

20 A. No, I don't remember.

21 Q. Did you ever see her name on any list of
22 different complainants, victims, witnesses?

23 A. No.

24 Q. Did you ever see a list of victims or
25 witnesses that was prepared by someone other than

1 yourself?

2 A. No, sir.

3 Q. Did you ever discuss with anyone the fact that
4 there was such a victim list that had been generated out
5 of the United States Attorney's Office?

6 A. There was a list, I believe, that was given to
7 chief -- former Chief Reiter. I never got to actually
8 physically hold it and look at it. I mean, it was one
9 of those things where he showed me the list, but I never
10 got a chance to...

11 Q. Did the Chief represent to you that that list
12 originated with the United States Attorney's Office?

13 A. I believe so.

14 Q. Did he explain that he had received it from
15 them?

16 A. I believe so.

17 Q. And did he explain he received it from them
18 with the directive that it should be reviewed and then
19 destroyed?

20 A. I recall the destroying part. I'm sure he
21 reviewed it.

22 Q. What do you recall of the destroying part?

23 A. I remember him telling me that he was given
24 the copy but it must be destroyed immediately
25 thereafter.

1 Q. And did he tell you who directed him to
2 destroy it?

3 A. No.

4 Q. Did he tell you whether or not that directive
5 was in writing or verbal?

6 A. No.

7 Q. Have you ever seen -- other than seeing him in
8 the physical possession of the list, have you ever seen
9 it again?

10 A. No.

11 Q. Do you have any reason to believe that he
12 didn't destroy it?

13 A. No. If he says he was going to destroy it, he
14 would destroy it.

15 Q. And do you recall when that was in terms of
16 the evolution of the State case?

17 A. It would have been around December or January
18 time frame of like '06, '07.

19 Q. So either the end of '06, beginning of '07?

20 A. I believe so.

21 Q. Or at the time period that would be after the
22 State grand jury met and returned charges against
23 Mr. Epstein?

24 A. It would have been, yes, much after.

25 Q. Would it have been before there was

1 superceding information that brought in the charges?

2 A. It would have been -- again, I'm going off of
3 recollection here.

4 Q. And again, I understand this is four years ago
5 and we're just trying to get your best unrefreshed
6 recollection.

7 A. I'm trying to think back. It would have
8 been -- it would have been -- see, I would be guessing.

9 Q. We don't want you to guess.

10 A. That's the thing, I would be guessing.

11 Q. Did the Chief ask you to come to his office?

12 A. Yes, he did ask me. He said the -- the list
13 was not going to leave his office, most assured, and
14 I -- at that point, I was like, you know, don't even
15 show me. I mean, it was for your eyes only, that's
16 fine.

17 Q. And did he explain to you why he was directed
18 to destroy the list?

19 A. No.

20 Q. Has the Chief ever before invited you to his
21 office to discuss a document that he thereafter told you
22 he was directed to destroy?

23 A. I mean, I've been many times at the Chief's
24 office --

25 Q. Sure.

1 A. -- but not -- I can't recall if there was ever
2 a time that he showed me a document that he must
3 destroy.

4 Q. And have you ever been, yourself, directed by
5 either a State attorney or a US attorney to destroy your
6 document?

7 A. No.

8 Q. And has the Chief ever told you, on any other
9 occasion that you currently recall, that he was directed
10 by a Federal or State prosecutor to destroy a document?

11 A. I don't know.

12 Q. And other than destroying documents in the
13 regular course of business, you don't recall the Chief
14 ever before or ever after saying he had been directed by
15 any third party to destroy a document that was relevant
16 to the investigation, correct?

17 A. I'm sorry, can you ask the question again?

18 Q. Oh, sure. I'm sorry. Other than this
19 occasion when the Chief invited you to his office and
20 specifically said that he was in possession of a
21 document, relevant to the Epstein investigation that he
22 had been directed to destroy, do you recall any other
23 occasion where the Chief told you that he was destroying
24 a document relevant to an investigation?

25 A. No.

1 Q. And you certainly don't recall him ever saying
2 that on any other occasion that he had been directed by
3 any Federal or State prosecutor --

4 A. Not with me, no.

5 Q. -- to destroy a document?

6 A. Not with me.

7 Q. And just so we're clear, this document was
8 being destroyed, not in the regular course of business,
9 but as a result of the directive from the Federal
10 prosecutor, correct, according to --

11 A. I would assume so, yeah.

12 Q. And there was no other copy that you knew of
13 this document?

14 A. No.

15 Q. And you have never seen one thereafter?

16 A. No, sir.

17 Q. L.M., you went to her house; is that correct?

18 A. Correct.

19 Q. Did you speak to either of her parents?

20 A. No, I did not.

21 Q. Was she 18 at the time you went to her house?

22 A. I believe so.

23 Q. Was your practice that when somebody was over
24 18, you would feel like it was appropriate to interview
25 them directly, but if somebody was under 18, you would

1 try to give some parental notification?

2 A. Correct.

3 Q. And your best recollection with L.M. is she
4 was over 18 and, therefore, you went directly to her?

5 A. Correct.

6 Q. What would you have told her when you rang on
7 her doorbell and she answered the door?

8 A. I would have identified who I am, my purpose
9 for being there.

10 Q. And what would you have said your purpose for
11 being there was?

12 A. I was conducting an investigation.

13 Q. And would you tell her of who?

14 A. Yes.

15 Q. And would you tell her the subject matter of
16 the investigation?

17 A. Yes, absolutely.

18 Q. And her answer was that she did not wish to
19 cooperate with you?

20 A. I never got to the point to explain to her my
21 purpose of being there. Obviously, she knew why I was
22 there. Once I identified myself, I told her I was a
23 police officer from Palm Beach and I was here to speak
24 to her in regards to Jeffrey Epstein. At that point,
25 she stopped me and said, I have nothing to say about

1 him, nothing negative to say about him. She is in love
2 with the man, and...

3 Q. So that was literally a 30-second
4 conversation?

5 A. Pretty much. Pretty much.

6 Q. Were you with anyone?

7 A. Yes, I was.

8 Q. Who were you with?

9 A. I want to say either Sergeant Dawson, who was
10 a detective at the time.

11 Q. Did you follow that up at all by attempting to
12 reinterview her on any other occasion?

13 A. No.

14 Q. So your sum total experience with L.M. was
15 essentially a 30-second conversation at her house where
16 she declined your invitation to discuss Jeffrey Epstein
17 with her?

18 A. Correct.

19 Q. Okay. And you do recall her saying, "I'm in
20 love with him"?

21 A. Yes.

22 Q. And you're assuming but don't know that she
23 had been essentially tipped off that this investigation
24 was ongoing; is that correct?

25 A. Pretty much. I mean, she didn't know why I --

1 allegedly why I was there, but yet she...

2 Q. Well, you told her why you were there, and she
3 then said, I'm in love with Jeffrey Epstein and have
4 nothing negative to say about him?

5 A. Correct.

6 Q. And so am I correct that she didn't say that
7 she knew why you were there, that you're assuming that,
8 because of the timing of that interview, that she had
9 discussed the investigation with others?

10 A. It's possible.

11 Q. You don't recall anybody telling you --

12 A. No.

13 Q. -- at this time, that they had talked to L.M.
14 about your investigation?

15 A. No.

16 Q. Was there more than one such person, meaning
17 did anybody else that you attempted to interview about
18 Jeffrey Epstein decline to be interviewed, to your
19 current recollection?

20 A. No. I believe she's the only one.

21 Q. Can I ask you to look at page 81, paragraph 1
22 of your incident report, and ask whether or not that
23 refreshes your recollection about the events of
24 February 15, 2006.

25 A. Yes.

1 Q. Do you recall who that was?

2 A. Yes, I do.

3 Q. Who was that?

4 A. [REDACTED]

5 Q. And tell me what you remember of that
6 attempted interview.

7 A. I went up to interview her with Detective
8 Caristo, at her boyfriend's place of employment was
9 where she was at. And she didn't wish to speak to me at
10 that point.

11 Q. And did she tell you why?

12 A. If I can refer to it.

13 Q. Sure, go ahead.

14 A. She said that she knew there was an
15 investigation and that I had spoken to other people and,
16 therefore, I should know what had happened at
17 Mr. Epstein's house.

18 Q. And did she make any other further explanation
19 for her declining your request for an interview?

20 A. No.

21 Q. Did she tell you that she, like L.M., had
22 positive regard for Mr. Epstein?

23 A. I don't recall any positive regard.

24 Q. Did you take notes of your conversation with
25 Ms. [REDACTED]?

1 A. No.

2 Q. Did you take notes of your conversation with
3 Ms. L.M.?

4 A. No.

5 Q. Did you write any supplemental report
6 regarding your interview attempts with Ms. L.M.?

7 A. I believe I did.

8 Q. And likewise, you have before you a
9 supplemental report that reflects your attempts to
10 interview Ms. [REDACTED]?

11 A. Yes.

12 Q. Did you ever attempt to interview a woman
13 named J.Sj.?

14 A. Yes, I did?

15 Q. What do you recall of that interview?

16 A. She was a masseuse. I remember going to her
17 home and interviewing her at her home. And if I recall
18 correctly, she stated that what happened between her and
19 Mr. Epstein were between consenting adults, that she was
20 over 18 at that time.

21 Q. And did you write a report on that interview
22 attempt?

23 A. I believe so.

24 Q. And in fact, you interviewed a series of women
25 who were over 18 years old, not only at the time of the

1 interview, but also at the time of the events between
2 them and Mr. Epstein, correct?

3 A. Correct.

4 Q. And you would incorporate those interviews
5 within the overall 87-page incident report; is that
6 correct?

7 A. Correct.

8 Q. So that the focus of this broad investigation
9 was not restricted to women under 18 and also included
10 women who were over 18; is that correct?

11 A. Correct.

12 Q. Now, some of the girls that you interviewed, I
13 don't mean to be disrespectful, but some of the minors
14 you interviewed were emotional at the time of your
15 interview; is that correct?

16 A. Correct.

17 Q. And if they were under 18 at the time of their
18 interview, it was your practice to precede that
19 interview with some notification to their parents; is
20 that correct?

21 A. Correct.

22 Q. And what would that notification be? In other
23 words, what would you tell the mother or father of a
24 minor?

25 A. That their daughter was a possible victim

1 and/or witness in a police investigation involving a
2 gentleman that lives in the Town of Palm Beach.

3 Q. And had you, at the time of say by October of
4 2005, within 30 days of your commencing of your
5 responsibilities in this investigation, concluded that,
6 as to these minors, that they would not be prosecuted;
7 that they were either victims or witnesses but not
8 targets?

9 A. Rephrase your question one more time, I'm
10 sorry.

11 Q. Sure. Let me give you a predicate. Many, if
12 not all, of the people you interviewed were paid sums of
13 money to give Mr. Epstein a massage at the bottom level,
14 correct?

15 A. Correct.

16 Q. And that they went to his house, correct?

17 A. Yes.

18 Q. And that they went to his house voluntarily;
19 is that correct?

20 MS. ARBOUR: Object to the form.

21 THE WITNESS: Yes.

22 BY MR. WEINBERG:

23 Q. In other words, they weren't kidnapped or
24 coerced into going to his house.

25 MS. ARBOUR: Object to the form.

1 THE WITNESS: Right. Some girls went under a
2 different ruse. They thought they were going to
3 either model or get a chance to be in Victoria
4 Secrets or that kind of thing, but...

5 BY MR. WEINBERG:

6 Q. That was the exception to the rule.

7 A. Nobody was bound and gagged to go to the
8 house.

9 Q. And those that told you that they thought they
10 were going there for some other purpose were the
11 exception to the rule that was disclosure by whoever
12 invited them, correct?

13 MS. ARBOUR: Object to the form.

14 THE WITNESS: Some girls, again, told me that
15 they were going there to give massages, and some
16 girls went there for other reasons.

17 BY MR. WEINBERG:

18 Q. Well, let's take one of them who claimed to
19 have gone there for another reason. Do you recall
20 interviewing a young woman named [REDACTED]?

21 A. Yes.

22 Q. And when did you interview her? Would the
23 date of January 9, 2006 be consistent with your memory
24 as to when you interviewed [REDACTED]?

25 A. It would have been, yeah, about that time. I

1 know I attempted it once before and she was emotional
2 and, plus, I needed to get her father's consent because
3 she was still underage.

4 Q. When you went to visit with her father, her
5 father talked to you, did he not?

6 A. Either I telephoned him or I spoke to him
7 directly. I believe I might have telephoned him.

8 Q. And the father told you that [REDACTED] had told him
9 that she had been hired to model lingerie; is that
10 correct?

11 A. I believe so. I'm not 100 percent certain on
12 that one. I know I recall the modeling part. I don't
13 know if it was exactly lingerie or...

14 Q. Okay. The father had communicated to you that
15 his daughter had told him that her connection to Jeffrey
16 Epstein was that she went to see him as a model?

17 A. Yes.

18 Q. In other words, what you took from talking to
19 the father is that [REDACTED] had likely lied to him regarding
20 her experiences with Mr. Epstein, correct?

21 A. I wouldn't say "lied to him," because that's
22 what she claimed to me, that that was the purpose of her
23 going to the house.

24 Q. But the father said that that's what she said
25 was the relationship between him [sic] and Mr. Epstein,

1 that she went there as a model.

2 A. I recall that that's what the father knew of
3 her going over there.

4 Q. Sure. And this isn't the first parent that
5 you interviewed that didn't know what his daughter would
6 later claim occurred to you; is that right?

7 A. What do you mean?

8 Q. In other words, many of the parents that you
9 sought permission to interview their daughters did not
10 know the details of what had transpired between their
11 daughters and Mr. Epstein, correct?

12 A. Correct.

13 Q. And in fact, no parent called you up
14 uninvited, uninitiated and said, I want to complain
15 about something that's happening in Palm Beach regarding
16 Mr. Epstein?

17 A. That's how the case first became originated,
18 but not me directly.

19 Q. Not you.

20 A. Not me directly.

21 Q. So of all of the witnesses that you
22 interviewed, there wasn't a single parent that came to
23 you as contrasted to you going to them?

24 A. No, not to me. I know that --

25 Q. I understand and --

1 A. -- Officer Pagan --

2 Q. -- we'll get there. Because you never
3 yourself interviewed [REDACTED], is that correct?

4 A. No, I did not.

5 Q. So any testimony that you have given about
6 [REDACTED] was derived from your reading reports that were
7 authored by Officer Pagan and others, correct?

8 A. Correct.

9 Q. And amongst those reports was some indication
10 that one of the parental figures in [REDACTED]'s life had made
11 a proactive phone call to the Palm Beach Police
12 Department in March of 2005, correct?

13 A. Correct.

14 Q. And they had overheard some conversation about
15 what [REDACTED] claimed to have done at Jeffrey Epstein's
16 house, correct?

17 A. Correct.

18 Q. And that they were not saying, my daughter
19 came to me and said, please call the police, something
20 happened to me; they were claiming that they had
21 overheard a conversation, correct?

22 A. I believe so, yes.

23 Q. So no parent said to you or -- and there's no
24 report that reflects a parent saying to Officer Pagan or
25 anyone else in the Palm Beach Police Department, my kid

1 came to me and said that something bad happened to her
2 in relation to Jeffrey Epstein.

3 A. No.

4 Q. And no teacher ever came to you and said, my
5 God, I have a student who is saying that something bad
6 or improper happened in relation to her and Jeffrey
7 Epstein, correct?

8 A. Correct.

9 Q. And no religious figure ever came to you and
10 asked you to investigate Mr. Epstein as a result of some
11 confessional or some complaint that he received from
12 either a minor or from a parent of a minor?

13 A. Correct.

14 Q. And from that, you concluded that -- strike
15 that.

16 No doctor ever came to you and said that they
17 had a patient that had been harmed by Jeffrey Epstein
18 during the time period of your 2005/'6 investigation,
19 correct?

20 A. Correct.

21 Q. No psychiatrist or social worker or mental
22 health professional ever came to you and said, I have a
23 patient or client that claims to have been harmed by
24 Mr. Epstein?

25 A. Correct.

1 Q. And no minor ever came herself to the Palm
2 Beach Police Department and claimed to have been abused
3 or harmed by Jeffrey Epstein?

4 A. Well, after the arrest of Mr. Epstein, we did
5 have people telephone in, but...

6 Q. But not before the arrest and in fact, the --
7 not before the grand jury returned its charge in the
8 summer of 2006, correct?

9 A. Correct.

10 Q. And then you had occasional calls from people
11 who you reported their allegations, correct?

12 A. Correct. Actually, it's Dawson --

13 Q. One was from New York and California --

14 A. -- Sergeant Dawson, right.

15 Q. -- and they had -- they were kind of jumping
16 on the Internet train that resulted from the publicity
17 of Mr. Epstein's charge.

18 MS. ARBOUR: Object to form.

19 THE WITNESS: I don't know if you want to call
20 that as a publicity train, but some of these
21 victims were legitimate, you know. I mean, we did
22 have people call in as adults; but we had
23 legitimate victims calling in.

24 BY MR. WEINBERG:

25 Q. And you call them legitimate victims, but just

1 so the record is clear, you were not present at
2 Mr. Epstein's home on any occasion when he had a
3 one-to-one or contact with any of the so-called
4 complainants, correct?

5 A. No.

6 Q. So this is not something you -- you were not
7 an eyewitness to any of the events, correct?

8 A. Correct.

9 Q. There was no video surveillance of what did or
10 did not occur in the massage room on the second floor on
11 El Brillo; is that correct?

12 A. Correct.

13 Q. There was no audio surveillance of any
14 conversations that Mr. Epstein participated in with any
15 of the witnesses or complainants; is that correct?

16 MS. ARBOUR: Object to form.

17 THE WITNESS: Correct.

18 BY MR. WEINBERG:

19 Q. You're relying on, A, what you were told and,
20 B, what your investigation derived?

21 A. During the sworn taped statement.

22 Q. So going back to the period before he was
23 arrested and before there was this kind of outflow of
24 media or attention, there was not any of the different
25 minors that, who reside in Palm Beach, ever came to

1 their local police department or to the Palm Beach
2 Police Department and made a complaint against
3 Jeffrey Epstein; is that correct?

4 MS. ARBOUR: Object to form.

5 THE WITNESS: Are you limiting your
6 questioning to just the persons that lived within
7 the Town of Palm Beach limits?

8 BY MR. WEINBERG:

9 Q. Let me start with the people within this
10 region. Did any minor ever initiate a complaint with
11 you against Mr. Epstein before you had gone to them?

12 A. Not that I can recall, no.

13 Q. And likewise, you don't know that any minor in
14 this region, before the publicity, ever went to their
15 local police department, be it in West Palm Beach or
16 Daytona Beach or wherever, and said, I want to report
17 that I have been injured, harmed, compromised by
18 Jeffrey Epstein.

19 MS. ARBOUR: Object to form.

20 THE WITNESS: If there was, I wouldn't be
21 aware of it.

22 BY MR. WEINBERG:

23 Q. Your 87-page report does not reflect any
24 initiative taken by any minor or any parent of a minor
25 or any professional who is associated with a minor in

1 trying to initiate an investigation against Mr. Epstein
2 with the sole exception of the [REDACTED] family and the
3 phone call that came into the police department six
4 months before you became case agent, correct?

5 MS. ARBOUR: Object to form.

6 THE WITNESS: Correct.

7 BY MR. WEINBERG:

8 Q. So let's, if we can, go back to [REDACTED] and try
9 to at least focus on one of the interviewees.

10 She told you that she had originally gone to
11 the house believing that she was going there for the
12 purpose of modeling; is that correct?

13 A. Correct.

14 Q. And somebody must have told her that, correct?

15 A. I believe the person that took her.

16 Q. And do you recall who took her? Would L.M.
17 ring a bell?

18 A. I believe, yes, I believe it was L.M. that
19 took her.

20 Q. Do you recall writing -- and this comes from,
21 what I believe, is Exhibit 1 of the Palm Beach Police
22 Department affidavit that, "On January 9, 2006, I
23 located and interviewed another victim, [REDACTED] date of
24 birth [REDACTED] 29, 1988. [REDACTED] was identified as a potential
25 victim witness from information obtained during trash

1 pulls from Epstein's residence."

2 And I represent to you I'm reading this
3 accurate.

4 Does that refresh your memory about the going
5 to [REDACTED] ?

6 A. Yes.

7 Q. And during what period of time would they have
8 these trash pulls?

9 A. That would have been documented in the report.

10 Q. Any of them after the search of October 20th?

11 A. It might have been.

12 Q. And by trash pull, we're referencing the
13 attempts by the Palm Beach Police Department to derive
14 investigatory material by searching the garbage that
15 came from Mr. Epstein's residence; is that correct?

16 A. That is correct.

17 Q. And the conversations engaged in between you
18 and others working for you and different representatives
19 of the Palm Beach Sanitation Department?

20 A. The Sanitation Department didn't go through
21 the trash; all they did was pull it for us.

22 Q. But there were conversations between the
23 police and Sanitation asking Sanitation to have a clean
24 and empty truck; is that correct?

25 A. Correct.

1 Q. To drive the truck to a certain location,
2 correct?

3 A. Correct.

4 Q. To collect the trash on certain days from
5 Mr. Epstein's house, correct?

6 A. Correct.

7 Q. You knew that Mr. Epstein's house was enclosed
8 by security gates from your surveillances there, did you
9 not?

10 A. Correct.

11 Q. And that one would need to buzz in to come in?

12 A. Not necessarily. I mean, the gates leading to
13 the garage were always left unsecured, opened.

14 Q. Did you not know that the Sanitation people
15 would buzz in and ask -- tell them that they were there
16 to get the trash?

17 A. In the many, many times that I've driven by,
18 I've always seen that gate open to the garage.

19 Q. But when the Sanitation people went to
20 Mr. Epstein's house, they were there pursuant to an
21 agreement with you, that they would bring the trash to a
22 predestined location where it would be made available to
23 Palm Beach --

24 A. Well, they were watched.

25 Q. They were watched?

1 A. They were watched.

2 Q. So you knew when they were going?

3 A. Correct.

4 Q. There was a predestined time that they were
5 going to go; is that correct?

6 A. Correct. Correct.

7 Q. And you saw them go onto Mr. Epstein's
8 property.

9 A. Correct.

10 Q. You saw them walk into, through the gates,
11 whether they were opened or whether they were opened for
12 the people; is that correct?

13 A. Correct.

14 Q. You'd see them walk through the driveway
15 area --

16 A. Correct.

17 Q. -- into the garage or near the garage, or was
18 there a point in which they disappeared from your sight?

19 A. I wasn't the one that was watching them.
20 There was other representatives of the Police
21 Department. I'm just telling you how I have always done
22 my trash pulls.

23 Q. So standard practice would be to have an
24 agreement on a time that you would meet the trash people
25 outside the target's residence.

1 A. Correct.

2 Q. And that they would go in and you would
3 surveille them going in?

4 A. Correct.

5 Q. They would come out with the trash, correct?

6 A. Correct.

7 Q. They would put it in their truck, correct?

8 A. Correct.

9 Q. They wouldn't open it and mix it with the
10 trash?

11 A. No.

12 Q. They would take special care of it --

13 A. Absolutely.

14 Q. -- so that it was preserved for search?

15 A. Absolutely.

16 Q. They would drive it to a place where the
17 target wouldn't observe the transfer?

18 A. Correct.

19 Q. They would hand over the trash to the police
20 officer, correct?

21 A. Correct.

22 Q. And the purpose of this trash seizure would be
23 to search the trash for investigative evidence, correct?

24 A. Correct.

25 Q. And to your understanding, that was done

1 before you commenced your responsibilities in this
2 investigation?

3 A. Before and during.

4 Q. And there was always cooperation by the Palm
5 Beach Sanitation Department, correct?

6 A. Correct.

7 Q. They were, in fact, directed not to disclose
8 to Mr. Epstein that they were seizing his trash, not
9 just to bring it to the dump, but to bring it to the
10 officers, correct?

11 A. Correct.

12 Q. And again, this was done not under your watch,
13 but under your supervision while you were case agent on
14 the 2005 fall Epstein investigation, correct?

15 A. Correct.

16 Q. And from the trash, different leads were
17 found; is that right?

18 A. Correct.

19 Q. Leads that might not have been found had you
20 not gone through the trash?

21 MS. ARBOUR: Object to form.

22 THE WITNESS: I would say some, but not all.

23 BY MR. WEINBERG:

24 Q. And you saw some message pads?

25 A. Copies of the messages, yes.

1 Q. And you later learned what they were as a
2 result of your having gone to Mr. Epstein's home on
3 October 20th, pursuant to a warrant, and seized large
4 numbers of message pads, correct?

5 A. Correct.

6 Q. And there were also notes that weren't on
7 message pads, correct, that were seized from the
8 garbage?

9 A. Correct.

10 Q. Notes that were on Mr. Epstein's own pad with
11 his own name on it, correct?

12 A. Correct.

13 Q. And some of those notes related to his
14 business, if you know?

15 A. I don't believe so.

16 Q. But some of the messages led you to phone
17 numbers and the names of different people, such as [REDACTED],
18 correct?

19 A. Correct.

20 Q. And since Ms. [REDACTED] was first interviewed on
21 January 9, 2006, is it fair to say that the trash pull
22 from which her identity was first revealed, occurred in
23 the fall 2005 period while you were case agent?

24 A. I don't know. Without seeing the actual
25 message, I can't commit to that kind of answer.

1 Q. Did Ms. [REDACTED] tell you when, in relation to
2 January 9, 2006, she had last been to Mr. Epstein's
3 home?

4 A. I can't recall.

5 Q. Did you ask these witnesses, whom you were
6 interviewing, what time period they recall being at his
7 house?

8 A. Yes.

9 Q. And if there is nothing in the report, would
10 that reflect --

11 A. Well, you're looking at the probable cause
12 affidavit. The report will reflect more.

13 Q. The incident report was -- the probable cause
14 affidavit was a subset of the affidavit -- strike that.
15 The affidavit is a subset of the incident
16 report.

17 A. Correct.

18 Q. If it's not in the incident report, then does
19 that reflect that you did not ask that question of [REDACTED] ?

20 A. I would have asked regardless.

21 Q. Did it reflect that she didn't give you an
22 answer?

23 A. Some witnesses were able to recall specifics,
24 others were not able to recall exactly when, pinpoint
25 what time.

1 Q. Was it your understanding that Ms. [REDACTED] had
2 been there months before January 9, '06 as contrasted
3 two years?

4 A. As far as, I'm sorry?

5 Q. When you interviewed her on January 9, '06 --

6 A. Right.

7 Q. -- was she telling you of events that occurred
8 years before or months before, if you recall?

9 A. I can't recall.

10 Q. But you do recall L.M. was her contact; she
11 was the person who invited her to go to Mr. Epstein's
12 home?

13 A. I believe so.

14 Q. And L.M. was currently in love with
15 Mr. Epstein in or around the same time period?

16 A. That's what she claimed to me.

17 Q. And did your investigation disclose whether
18 Ms. L.M. was currently seeing Mr. Epstein in the fall of
19 2005 into the early 2006?

20 A. I can't recall if she was still going to the
21 residence.

22 Q. Ms. [REDACTED] told you she was originally told she
23 would be able to model lingerie for a wealthy Palm
24 Beacher; is that correct?

25 A. That's what I documented. That's what she

1 told me.

2 Q. And that she was taken to Mr. Epstein's home
3 at El Brillo Way by Ms. L.M.; is that consistent with
4 your memory?

5 A. Yes.

6 Q. And Ms. L.M. introduced her to Mr. Epstein; is
7 that correct?

8 A. Yes.

9 Q. And you have no independent memory that
10 Ms. [REDACTED] ever said that she had any conversation with
11 Mr. Epstein prior to her being introduced to him by
12 Ms. L.M.; is that correct?

13 A. If she had prior conversations with --

14 Q. Yes, with Mr. Epstein before she was brought
15 to the house and introduced --

16 A. I can't recall whether she said that or not.
17 I don't believe so.

18 Q. Let me broaden it. Most of the people, if not
19 all of people who you interviewed, were introduced to
20 Mr. Epstein by some other young woman; is that correct?

21 MS. ARBOUR: Object to form.

22 THE WITNESS: Correct.

23 BY MR. WEINBERG:

24 Q. Whether Ms. H.R. was one, H.R., correct?

25 A. Right.

1 Q. L.M. was the second; is that correct, that
2 brought people to his house?

3 A. (Non-verbal response).

4 Q. The routine and practice was for the people
5 that were introduced to him not to have had any prior
6 conversations with him until they were introduced by an
7 intermediary like Ms. H.R. or Ms. L.M.; is that correct?

8 MS. ARBOUR: Object to form.

9 THE WITNESS: I believe so.

10 BY MR. WEINBERG:

11 Q. And in fact, there were no exceptions to that
12 rule as far as you currently remember?

13 MS. ARBOUR: Object to form.

14 THE WITNESS: As far as I can recall.

15 BY MR. WEINBERG:

16 Q. I mean, you have no -- you don't recall any
17 information that Mr. Epstein was out himself personally
18 trying to connect with young strange women.

19 A. No.

20 Q. And likewise, you have no evidence that
21 Mr. Epstein was e-mailing people that he didn't know
22 attempting to ask them or invite them or recruit them to
23 come to his home.

24 A. No.

25 Q. And you have no evidence that Mr. Epstein,

1 himself, personally was on a telephone trying to connect
2 with people to whom he had not previously been
3 introduced, correct?

4 A. People not known to him?

5 Q. Yes.

6 A. No, not that I'm aware of.

7 Q. And so that anyone -- let me ask the same
8 questions for Ms. Sarah Kellen. You're familiar with
9 her, are you not?

10 A. Yes.

11 Q. And you have no evidence that she was out
12 driving around the Palm Beach area looking to meet some
13 young woman who she, herself, could go and introduce to
14 Mr. Epstein, correct?

15 MS. ARBOUR: Object to form.

16 BY MR. WEINBERG:

17 Q. People that she had never previously met?

18 MS. ARBOUR: Same objection.

19 THE WITNESS: Not that I'm aware of.

20 BY MR. WEINBERG:

21 Q. And likewise, no evidence that she would
22 e-mail people who she was not introduced to?

23 MS. ARBOUR: Object to form.

24 THE WITNESS: Not that I'm aware of.

25

1 BY MR. WEINBERG:

2 Q. Or make phone calls to people that she was not
3 introduced to, correct?

4 MS. ARBOUR: Object to form.

5 THE WITNESS: I knew she made several phone
6 calls, but it was to people that she knew that had
7 been to the house previously.

8 BY MR. WEINBERG:

9 Q. Sure. So let me take it one step back then.
10 The routine and practice was for one -- let's focus on
11 H.R. -- for a woman such as Ms. H.R., to introduce
12 Mr. Epstein to people that she had met or who were her
13 friends, correct?

14 A. Uh-huh.

15 MS. ARBOUR: Object to form.

16 BY MR. WEINBERG:

17 Q. And likewise, the L.M. introduction of [REDACTED]
18 fit that standard practice of one woman taking a second
19 woman to Mr. Epstein and introducing them, correct?

20 MS. ARBOUR: Object to form.

21 THE WITNESS: Correct.

22 BY MR. WEINBERG:

23 Q. And Ms. H.R., at least, told you during your
24 interview with her in the first week of October 2005,
25 that all of the young women that she introduced to

1 Jeffrey Epstein knew exactly why they were going to
2 Mr. Epstein's home.

3 MS. ARBOUR: Object to form.

4 MS. FINNIGAN: Joined.

5 THE WITNESS: That is what I recall during the
6 interview.

7 BY MR. WEINBERG:

8 Q. And that was corroborated by your reading the
9 report that [REDACTED] said that she knew what she was doing
10 before she went to Mr. Epstein's home, correct?

11 MS. ARBOUR: Object to form.

12 THE WITNESS: I believe so, yes.

13 BY MR. WEINBERG:

14 Q. It was corroborated by others who were
15 identified by H.R. and thereafter interviewed by you and
16 others working with you, correct?

17 MS. ARBOUR: Form.

18 THE WITNESS: I believe so.

19 BY MR. WEINBERG:

20 Q. So that at least for the H.R. group, if I can
21 confine them to by definition the people introduced to
22 Mr. Epstein by Ms. H.R., none of them ever informed you
23 that they had gone there under a misapprehension as to
24 what was expected of them, correct?

25 MS. ARBOUR: Object to form.

1 THE WITNESS: Under the H.R. group we're
2 talking about?

3 BY MR. WEINBERG:

4 Q. Yes. Let me break it down. Ms. H.R.
5 identified approximately six people that she had
6 introduced to Mr. Epstein.

7 A. Correct.

8 Q. And each of them was invited by Ms. H.R. to go
9 to Mr. Epstein's residence, correct?

10 A. Correct.

11 Q. And Mr. Epstein did not know any of these six
12 young women prior to being introduced to them by
13 Ms. H.R., correct?

14 MS. ARBOUR: Form.

15 THE WITNESS: As far as I know, yes.

16 BY MR. WEINBERG:

17 Q. And you have no knowledge that Sarah Kellen,
18 or anyone else that resided at Mr. Epstein's home on
19 El Brillo had any prior or independent relation with any
20 of the six girls that was being introduced to
21 Mr. Epstein by Ms. H.R.; is that correct?

22 MS. ARBOUR: Form.

23 THE WITNESS: As far as I know.

24 BY MR. WEINBERG:

25 Q. Ms. H.R. was asked by you and told you that

1 she had a practice of telling each and every one of the
2 people she invited to Mr. Epstein's home, that they were
3 to give Mr. Epstein a massage?

4 A. Correct.

5 Q. And that they could set their own limits while
6 giving Mr. Epstein a massage?

7 MS. ARBOUR: Form.

8 THE WITNESS: I recall her saying the more you
9 do, the more you get paid.

10 BY MR. WEINBERG:

11 Q. But do you recall her also saying that you
12 don't have to do anything you don't want to do?

13 MS. ARBOUR: Form.

14 THE WITNESS: I believe so.

15 BY MR. WEINBERG:

16 Q. And she told each and every one of the people
17 she invited that they would be paid for the massage,
18 correct?

19 MS. ARBOUR: Form.

20 THE WITNESS: Correct.

21 BY MR. WEINBERG:

22 Q. And she chose the people that she invited to
23 introduce to Mr. Epstein, correct?

24 MS. ARBOUR: Form.

25 THE WITNESS: As far as I know, yes.

1 BY MR. WEINBERG:

2 Q. And they came from her pool of friends or
3 associates or people that she made an independent
4 decision to see whether or not they wanted to go and
5 meet Mr. Epstein, correct?

6 MS. ARBOUR: Form.

7 THE WITNESS: Correct.

8 BY MR. WEINBERG:

9 Q. And the people that she invited to
10 Mr. Epstein's house had a choice; they could go to
11 Mr. Epstein's house, give him a massage and be paid or
12 decline to go to Mr. Epstein's house and not give him a
13 massage and not be paid, correct?

14 MS. ARBOUR: Form.

15 THE WITNESS: Correct.

16 BY MR. WEINBERG:

17 Q. And did Ms. H.R. tell you there were people
18 that she talked to who decided they didn't want to go to
19 Mr. Epstein's home?

20 A. I can't recall if she actually gave me names
21 of people that she offered to take there and declined.

22 Q. But if you take age out of the equation,
23 you'll agree there are other residents in Palm Beach
24 that invite people to their homes to engage in paid
25 massages?

1 MS. ARBOUR: Object to form.

2 THE WITNESS: What do you mean?

3 BY MR. WEINBERG:

4 Q. I mean, in your history with the Palm Beach
5 Police Department, there have been residents of Palm
6 Beach that have called massage services or escort
7 services and utilized their services, correct?

8 MS. ARBOUR: Same objection.

9 THE WITNESS: I know there are legitimate
10 masseuses that come to the residences and provide
11 massages, if that's what you're trying to claim,
12 yes.

13 BY MR. WEINBERG:

14 Q. I'm not trying to claim anything.

15 A. No, no, no. But I mean, if that's what you're
16 trying to get at, absolutely, if that was your question.

17 Q. And there were also, to your knowledge as an
18 experienced professional officer, there are some not so
19 legitimate escort and massage services that have clients
20 in the Palm Beach area, correct?

21 A. Oh, I'm sure, yeah.

22 Q. And that this is not a prosecutorial target
23 for the Palm Beach Police to go and target at least
24 adult massages, even if they include a sexual element;
25 is that correct?

1 MS. ARBOUR: Form.

2 THE WITNESS: If there is a crime that's being
3 committed in the Town of Palm Beach, we'll follow
4 up on it.

5 BY MR. WEINBERG:

6 Q. But you don't go and look for it.

7 MS. ARBOUR: Form.

8 THE WITNESS: When I say that we would solicit
9 it?

10 BY MR. WEINBERG:

11 Q. Yes.

12 A. Probably not. Once we start to see a pattern,
13 especially in the hotels, yes, we would because we have
14 done stings in the past.

15 Q. Can you recall in the last five years any
16 resident of Palm Beach, a person with a house there,
17 getting arrested for having the paid services of a
18 masseuse in their home?

19 A. Are you talking a legitimate masseuse?

20 Q. Any masseuse, legitimate or illegitimate.

21 A. I mean, there's no crime against having a
22 massage at your house.

23 Q. How about a paid massage that you had a basis
24 to believe was sexual as well as professional, is there
25 any resident of that island that's --

1 A. We have followed up on cases.

2 Q. Is there anyone that you remember in the last
3 five years that lives in Palm Beach, owns a house on
4 Palm Beach, had a escort or masseuse come to their home
5 and got prosecuted?

6 MS. ARBOUR: Form.

7 THE WITNESS: We have had instances where
8 officers have encountered escorts leaving the
9 residences of certain residents in the Town of Palm
10 Beach. They were documented on an intelligence
11 report and we would follow up on it the following
12 day or the day after. We go to their house and
13 identify what escort services, and we have done
14 stings, reverse stings where we contact the escort
15 services.

16 BY MR. WEINBERG:

17 Q. But in those cases, you would be investigating
18 the escorts, not the escortee or not the john? I'm not
19 trying to be difficult.

20 A. No, no, no. I'm just --

21 Q. The fact is that in the last five years --

22 A. I'm trying to give you, you know, examples.

23 Q. You've investigated for businesses that have
24 engaged in prostitution, but you have not, to your
25 memory, arrested any citizen of Palm Beach for inviting

1 an escort or a masseuse into their own private
2 residence, at least over the last five years, correct?

3 A. I'm trying to think back. I know we did make
4 an arrest off an escort service where a subject
5 telephoned an escort service for sexual favors, and we
6 ended up soliciting an arrest warrant for the individual
7 for solicitation of prostitution.

8 Q. And that resulted from your investigation of
9 the escort service, correct?

10 A. Based on the interview conducted with him and
11 I believe the escort herself.

12 Q. So one in five years? This is not an everyday
13 investigatory priority of the Palm Beach Police,
14 correct?

15 A. No. We have other cases that we follow up on,
16 but...

17 Q. And as you sit here now, you remember one
18 event, one such arrest in five years?

19 A. That I can recall. I mean...

20 Q. Fair enough. Let's go back to [REDACTED]

21 THE WITNESS: Can we take a five-minute break?

22 MS. O'CONNOR: Sure. We need a five-minute
23 break.

24 (A brief recess was taken.)

25 BY MR. WEINBERG:

1 Q. Go back to several areas that we didn't
2 complete. Back to this witness list that you saw in
3 Chief Reiter's office and that Chief Reiter represented
4 to you he was under a directive to destroy, do you know
5 whether or not a copy of that list was made so that it
6 would be available in the event there was a public
7 records request?

8 A. I don't believe so.

9 Q. Do you know whether or not the directive to
10 destroy was given in anticipation of the public records
11 request?

12 A. That, I don't know.

13 Q. Would that document have been within the
14 response to a public records request?

15 MS. ARBOUR: Object to form.

16 BY MR. WEINBERG:

17 Q. If you know.

18 A. I have no idea.

19 Q. And if that document became part of the case
20 file of the investigation or prosecution of Epstein, it
21 would be subject to a public records request, at least
22 according to what you know about public records,
23 correct?

24 MS. ARBOUR: Form.

25 THE WITNESS: If it was submitted into

1 evidence or the attachment file.

2 BY MR. WEINBERG:

3 Q. In terms of your memory dating back five
4 years, I asked you about whether you recalled any
5 resident of Palm Beach being arrested for the use or the
6 misuse of an escort or massage service, correct?

7 A. Correct.

8 Q. And your best memory was that you recall there
9 was one such incident, correct?

10 A. Correct.

11 Q. And you do recall investigations of
12 prostitution businesses, do you not?

13 A. Yes.

14 Q. And investigations and escort or massage
15 businesses that you expected or had reason to believe
16 were prostitution businesses, correct?

17 A. Correct.

18 Q. And those investigations would be oriented
19 towards targeting the people that made money from the
20 sale of sex, correct?

21 A. Correct.

22 Q. On the flip side, when I asked you about
23 residents of Palm Beach, I was asking you about people
24 that would be known as johns, correct? In other
25 words --

1 MS. ARBOUR: Form.

2 BY MR. WEINBERG:

3 Q. -- the customers of a prostitution business.

4 MS. ARBOUR: Same.

5 THE WITNESS: Correct.

6 BY MR. WEINBERG:

7 Q. And the same question, you recall only one
8 person who resides in Palm Beach who was prosecuted for
9 being a customer of a prostitution business using them
10 to come to his home, correct?

11 A. I believe so.

12 Q. Do you recall the name of that person?

13 A. Not off the top of my head.

14 Q. Take it back ten years, do you recall any
15 second such prosecution of a residence of Palm Beach for
16 using the services of a prostitution or massage or
17 escort business?

18 A. Again, we do hold stings in certain hotels,
19 the Breakers, the Four Seasons, the Marriott, where
20 women and men both go to the bars and solicit.

21 Q. But in terms of private residences, in your
22 entire professional life on the Palm Beach Police
23 Department, you only recall one such arrest and
24 prosecution, correct?

25 A. At a residence?

1 Q. Yes, for sexual conduct occurring between two
2 consenting human beings at a restaurant -- at a
3 residence.

4 MS. ARBOUR: Form.

5 THE WITNESS: That I can recall.

6 BY MR. WEINBERG:

7 Q. Back to Ms. [REDACTED] She was invited there by
8 L.M., correct?

9 A. I believe so, yes.

10 Q. If you believe Ms. [REDACTED], Ms. L.M. deceived her
11 as to the purpose of her going there, correct?

12 A. She was going to go there to model is what I
13 recall.

14 Q. And L.M., to your knowledge, had previously
15 gone to Mr. Epstein's residence with other people?

16 A. I believe so.

17 Q. And those other people ended up giving a
18 massage to Mr. Epstein?

19 A. I believe so.

20 Q. And none of those people that L.M. brought to
21 Mr. Epstein's residence later represented to you that
22 L.M. said that the only object of the visit was to
23 model; is that correct?

24 A. Repeat that one more time.

25 Q. The other people that you interviewed who said

1 that Ms. L.M. brought them to Mr. Epstein's residence,
2 did not also tell you that they had gone there under a
3 false impression, correct?

4 A. I can't recall.

5 Q. If it's in your incident report --

6 A. It would be in there.

7 Q. -- they told you, and if it's not in there,
8 then these different individuals were representing to
9 you that they knew that they were going there to give
10 Mr. Epstein a massage?

11 A. Right, it would have been in the report.

12 Q. Now, none of the women that Ms. H.R. invited
13 to meet Mr. Epstein ever told you that they went there
14 for any purpose other than to give him a massage,
15 correct?

16 MS. ARBOUR: Object to form.

17 THE WITNESS: I believe so.

18 BY MR. WEINBERG:

19 Q. And Ms. L.M. introduced [REDACTED] to Mr. Epstein
20 according to what [REDACTED] told you on January 9, 2006,
21 correct?

22 A. Correct.

23 Q. And Ms. [REDACTED] told you that Mr. Epstein,
24 Ms. [REDACTED] and Mr. [sic] L.M. had a conversation at
25 Mr. Epstein's house, correct?

1 A. I believe so.

2 Q. And then Ms. [REDACTED] told you that both Ms. L.M.
3 and Mr. Epstein brought her upstairs into a master
4 bedroom area, correct?

5 A. Yes, if it's in the report, that's...

6 Q. And then Ms. [REDACTED] observed a large massage
7 table with a sheet on it; is that your memory that
8 Ms. [REDACTED] told you that she, after meeting Mr. Epstein,
9 she went upstairs to an area of Mr. Epstein's home where
10 there was a massage table?

11 A. I believe so.

12 Q. And did she tell you that Mr. Epstein came
13 into that area wearing a towel, and that Ms. L.M.
14 informed Ms. [REDACTED] they were going to provide Mr. Epstein
15 with a massage?

16 A. I believe so.

17 Q. And that when [REDACTED] asked L.M. why they were
18 doing this, L.M. explained to [REDACTED] that they were going
19 to rub his calves and feet?

20 A. I believe so.

21 Q. And that Ms. [REDACTED] didn't leave the massage
22 area at this time, according to her statement to you; is
23 that right?

24 A. Right.

25 Q. Then Ms. [REDACTED] told you that she began to

1 participate in this massage with Mr. Epstein and
2 Ms. L.M., correct?

3 A. I believe so.

4 Q. And that Mr. Epstein asked her to get
5 comfortable, do you recall that?

6 A. I believe so.

7 Q. And that Ms. [REDACTED] elected to take off her
8 clothes leaving on only her pants; is that correct -- or
9 panties?

10 Do you want to read this?

11 A. If you don't mind.

12 Q. This is page 20 of Exhibit 1, which is
13 Detective Recarey's --

14 MR. PIKE: If you would, could you please turn
15 to that page because there's some writing on this
16 one and I don't want to --

17 MR. WEINBERG: This is not the incident
18 report. This is the probable cause affidavit.

19 MS. ARBOUR: I have an extra one, I think.

20 MR. WEINBERG: Thank you.

21 BY MR. WEINBERG:

22 Q. We're on page 20, about five or six lines
23 down. In paragraph 1, Epstein told Ms. [REDACTED] to get
24 comfortable. Actually, it's seven lines down on the
25 left side, page 20.

1 A. Yes.

2 Q. And Ms. [REDACTED] removed her pants and blouse,
3 correct?

4 A. Correct.

5 Q. And she didn't say that she tried to run out
6 and couldn't get away or anything like that; is that
7 right?

8 A. Correct.

9 Q. Otherwise, those kind of statements would be
10 clearly incorporated into this probable cause affidavit,
11 right?

12 A. Correct.

13 Q. Because the affidavit was designed to persuade
14 a judge that there was sufficient evidence to charge
15 Mr. Epstein and others with criminal offenses against
16 the State of Florida.

17 A. I wouldn't say persuade, but I would state the
18 facts.

19 Q. And the purpose of stating the facts was to
20 fill out what you concluded was probable cause to
21 warrant the State Attorney from prosecuting Mr. Epstein
22 for a criminal offense?

23 A. Correct.

24 Q. And this was done by you on May 1, 2006,
25 correct?

1 A. Correct.

2 Q. When matters were relatively fresh as
3 contrasted to how they are in April of 2010?

4 A. Yes.

5 Q. And when you prepared this problem cause
6 affidavit, you were largely relying on your supplemental
7 reports in the omnibus Palm Beach incident report,
8 correct?

9 A. Correct.

10 Q. And you were not relying to your current
11 memory on any tape recording of this statement on
12 January 9th with Ms. [REDACTED], were you?

13 A. A tape recording?

14 Q. Yes.

15 A. Like I said, I have reviewed tape recordings
16 that I've conducted on interviews.

17 Q. Which ones did you listen to before you
18 executed an affidavit on May 1st?

19 A. I couldn't tell you.

20 Q. Would you have a note, record, diary,
21 reference --

22 A. No.

23 Q. -- any way to construct which ones you
24 listened to?

25 A. No.

1 Q. Tape recordings would, of course, be the most
2 reliable predicate for what, in fact, a witness told
3 you, correct?

4 MS. ARBOUR: Object to form.

5 BY MR. WEINBERG:

6 Q. But they are also longest to wade through,
7 correct?

8 MS. ARBOUR: Form.

9 BY MR. WEINBERG:

10 Q. In other words, they take more time to hear
11 than reading a summary would take to read?

12 MS. ARBOUR: Same objection.

13 THE WITNESS: As far as, like, if you heard
14 it?

15 BY MR. WEINBERG:

16 Q. Yes. It would take you however many hours --

17 A. Right, depending on the length of the
18 interview. I mean, some could have been an hour, some
19 could have been two hours.

20 Q. How long was the lengthy one, if you remember?

21 A. I believe it was -- it would have been over an
22 hour. She was still in high school and she had to get
23 back.

24 Q. But you have no memory that you, in fact,
25 listened to Ms. [REDACTED] tape at or before the time you

1 summarized your memory of your conversations with her
2 into this affidavit on May 1st, correct?

3 A. I can't say if I did or didn't.

4 Q. And the same thing with H.R., do you recall
5 whether or not that was one of the tapes you listened to
6 before summarizing what she had said to you in October
7 of 2005 into this probable cause affidavit?

8 A. H.R.'s was different. H.R.'s was a videotape
9 conducted at the Palm Beach Police Department.

10 Q. Did you watch and listen to the videotape of
11 the H.R. interview?

12 A. I may have.

13 Q. But you don't recall which ones you didn't or
14 did, correct?

15 A. Correct.

16 Q. And same with Jane Doe 103, October 11, 2005,
17 interview in Tallahassee, that was tape recorded, was it
18 not?

19 A. Yes, it was.

20 Q. The telephone call the day before was not tape
21 recorded; is that correct?

22 A. I may have recorded that one.

23 Q. Do you recall whether you listened to either
24 or both of those tape recordings prior to executing the
25 May 1, 2006 affidavit?

1 A. I may have listened to Ms. Jane Doe 103's
2 interview while I was doing the supplement.

3 Q. But you have no memory as you sit here now
4 that you listened to it in the last days of April or
5 around May 1, 2006, before summarizing the recitation by
6 Ms. Jane Doe 103 into this probable cause affidavit,
7 correct?

8 A. If I listened to it prior to writing the PC?
9 Is that what you're asking me --

10 Q. Yes. Yes.

11 A. -- if I listened to it prior to writing the
12 PC?

13 Q. Yes, prior to.

14 A. No, I can't recall if I did or didn't.

15 Q. And I'll ask the same questions regarding your
16 preparation of the search warrant affidavit. You had
17 tape recordings available to you, did you not?

18 A. Yes, I did.

19 Q. This investigation generated approximately 22
20 tapes?

21 A. Approximately.

22 Q. Most of which were generated before
23 October 18, 2005 when you authored an affidavit seeking
24 to search Mr. Epstein's private residence, correct?

25 A. Correct.

1 Q. Did you listen to all of those tape recordings
2 prior to drafting an affidavit that was intended to -
3 result in the judicial authorization of a search and
4 seizure of Mr. Epstein's residence?

5 A. I may have, as I was doing my supplements.

6 Q. I'm directing myself towards the time period
7 when you were drafting the affidavit that was going to
8 be filed with the judge to ask for permission to search
9 Mr. Epstein's residence.

10 Did you listen to those tapes contemporaneous
11 with your authoring the search warrant affidavit?

12 A. I can't recall if I did or didn't.

13 Q. If you did, would there be any note, report,
14 log entry that you did?

15 A. Not that I've kept any, no.

16 Q. You don't have a current memory of being at a
17 typewriter typing in your affidavit for a search
18 warrant --

19 A. We don't utilize a typewriter, but --

20 Q. A computer?

21 A. A computer.

22 Q. It shows my age.

23 You typed into a computer the affidavit that
24 ultimately went to a judge to --

25 A. Correct.

1 Q. -- seek authority to search Mr. Epstein's
2 home?

3 A. Correct.

4 Q. And you did that in your office?

5 A. Yes.

6 Q. And in your office, is there a tape recorder?

7 A. Yes, we do have tape recorders. We have --

8 Q. And you had access to the tape recordings of
9 the witness interviews, did you not, at the time?

10 A. Yes.

11 Q. And you don't recall today whether or not you
12 listened to any or all of them at or around the time
13 that you drafted the search warrant affidavit?

14 A. I can't recall if I did or didn't.

15 Q. Your best memory is that you relied on the
16 supplemental reports authored by you as the predicate
17 for what you represented to a judge warranted his
18 authorizing a search and seizure of Mr. Epstein's
19 property, correct?

20 A. Correct.

21 Q. Back to Ms. [REDACTED] This is the first time she
22 was at Mr. Epstein's home that she was telling you about
23 on January 9th, correct?

24 A. Yes.

25 Q. And she ultimately told you about two

1 occasions that she went there; is that correct?

2 A. I believe so.

3 Q. And she, in fact, went back a third time, did
4 she not? Did she not?

5 A. I can't recall whether she -- how many times
6 she went without looking at it.

7 Q. Let's first look at what's in front of you,
8 which is the probable cause affidavit. She removed her
9 pants and blouse, correct?

10 A. Correct.

11 Q. And that was a voluntarily act on her part in
12 response to Mr. Epstein telling her to getting
13 comfortable, correct?

14 A. Correct.

15 Q. And that she stayed only in panties because
16 she didn't have a bra on that evening, correct?

17 A. Correct.

18 Q. So she took off her shirt and, therefore, was
19 naked from the waist up; is that right?

20 A. Correct.

21 Q. And Ms. L.M. was still there; is that right?

22 A. (Non-verbal response).

23 Q. And the two of them were massaging
24 Mr. Epstein?

25 A. Yes.

1 Q. And Ms. [REDACTED] said she started to rub
2 Mr. Epstein's chest; is that correct?

3 A. Yes.

4 Q. And that's in addition to what she had been
5 told, which is that she and Ms. L.M. were going to rub
6 his calfs and feet; is that right?

7 A. Correct.

8 Q. And she didn't say at this time that she in
9 any way was being forced or coerced into giving
10 Mr. Epstein a massage, correct?

11 A. Correct.

12 Q. Mr. Epstein, according to her recollection,
13 began to masturbate; is that right?

14 A. Yes, as he stroked her vagina.

15 Q. But she told you that Mr. Epstein was touching
16 her breast and touching her vagina; is that correct?

17 A. Correct.

18 Q. And she didn't tell you she protested or
19 objected to such touching, did she?

20 A. No.

21 Q. Because it would be in your report?

22 A. It would be in the report if it did.

23 Q. And she then told you that she was paid \$200
24 for the massage, correct?

25 A. Correct.

1 Q. And she was tearful, at least during parts of
2 this interview; is that correct?

3 A. Correct.

4 Q. But she didn't tell you that she refused the
5 \$200, correct?

6 A. Right.

7 Q. And she didn't tell you that she was so
8 traumatized, injured or damaged by this incident that
9 she didn't voluntarily return several days later,
10 correct?

11 A. I'm sorry, one more time.

12 Q. She didn't tell you that she was traumatized
13 by this event at the time it occurred, did she?

14 A. I don't recall her saying that she was
15 traumatized.

16 Q. Or in any way injured because she, in fact,
17 was invited to return and did return several days later
18 alone; is that right?

19 A. I believe so.

20 Q. In other words, she told you, if you recall,
21 that she received several days later a telephone call
22 from Sarah Kellen; is that correct?

23 A. Correct.

24 Q. And who essentially invited her to come back,
25 correct?

1 A. Right, to work.

2 Q. And this time, she wasn't with L.M.?

3 A. Yes.

4 Q. And she elected to return to Mr. Epstein's
5 house, this time knowing that it was not to model
6 lingerie?

7 A. Correct.

8 Q. And in fact, she went back on her own as a
9 response to Ms. Kellen inviting her to give Mr. Epstein
10 a second massage?

11 A. Correct.

12 Q. And again, Mr. Epstein -- she went upstairs to
13 Mr. Epstein's bedroom area and gave Mr. Epstein a
14 massage, correct?

15 A. Correct.

16 Q. And again, she was paid for that massage,
17 correct?

18 A. Correct.

19 Q. And she didn't, between the dates of these two
20 massages and the date you went to her house on
21 January 9, 2006, or went to her school, she didn't call
22 you or didn't ask her parents to call you to complain
23 about the conduct that occurred at El Brillo, correct?

24 A. Correct.

25 Q. Now, if we switch for a second from your

1 affidavit to your incident report, do you recall that
2 she went back a third time and brought a friend a third
3 time?

4 A. I believe -- I believe she may have brought
5 someone.

6 Q. And do you recall who she brought?

7 A. Not off the top of my head, no.

8 Q. And do you recall writing on page 74 of your
9 incident report that she once brought a friend, and she
10 said that she didn't know the last name, to give
11 Mr. Epstein a massage and that she was paid \$200 for
12 bringing a friend?

13 A. I can't recall.

14 Q. Perhaps you can read page 74 and see if that
15 refreshes your recollection.

16 A. Page 74?

17 Q. Yes.

18 Just to orient you, it's her interviews with
19 you start on page 73. The first of January 9, 2006.
20 There's some redactions, but if you refer to
21 paragraph 3, you'll see that she was the person who told
22 you she could model lingerie and then it continues.

23 A. I think your 74 is different than this 74.

24 Q. We have different reports? May I see yours
25 for a second?

1 If we start on 73 -- since it's redacted, I
2 want to assure you I'm talking about what I believe to
3 be the same interview on January 9, 2006. Paragraph 3
4 is [REDACTED] telling you she was told she could model
5 lingerie, and then much of the same right up to the last
6 sentence where she stated she went to Mr. Epstein's
7 house three or four times total.

8 A. Right.

9 Q. And then on the next paragraph, she was
10 telling you that she once brought a friend?

11 A. Correct.

12 Q. Some of the young women told you they were
13 terribly upset while talking to you; is that correct?

14 A. Correct.

15 Q. And they had a variety of reasons to be upset,
16 didn't they?

17 MS. ARBOUR: Form.

18 BY MR. WEINBERG:

19 Q. To your knowledge.

20 A. To my knowledge, yeah, absolutely.

21 Q. One thing is that some of the women you were
22 interviewing, for instance Ms. H.R. and Ms. L.M., were
23 actively bringing third parties to visit Mr. Epstein; is
24 that correct?

25 MS. ARBOUR: Form.

1 THE WITNESS: Correct.

2 BY MR. WEINBERG:

3 Q. And being paid for it?

4 MS. ARBOUR: Form.

5 THE WITNESS: Yes.

6 BY MR. WEINBERG:

7 Q. And that constitutes a violation of the
8 Florida statutes, does it not?

9 MS. ARBOUR: Form.

10 THE WITNESS: For unlicensed massages or...

11 BY MR. WEINBERG:

12 Q. For any and -- I mean, did you believe that
13 you threatened Ms. H.R. with a criminal prosecution, did
14 you not, when she was videotaped on October 5, 2005
15 being interviewed?

16 MS. ARBOUR: Form.

17 THE WITNESS: I didn't threaten Ms. H.R., but
18 I did explain to her that what she did was illegal.

19 BY MR. WEINBERG:

20 Q. Was illegal?

21 A. Right.

22 Q. And similarly, what Ms. L.M. did was illegal?

23 MS. ARBOUR: Form.

24 BY MR. WEINBERG:

25 Q. In your mind.

1 MS. ARBOUR: Same objection.

2 THE WITNESS: Pretty much. I mean, you
3 know...

4 BY MR. WEINBERG:

5 Q. Did you ever conduct a criminal investigation
6 of Ms. L.M.?

7 A. No.

8 Q. Did you ever conduct any followup
9 investigation of Ms. L.M. when she declined to speak to
10 you?

11 A. No.

12 Q. To your knowledge, did you or anyone else in
13 the Palm Beach Police Department have any contact with
14 Ms. L.M. during the time period of this investigation
15 which began in March of '05 and ended in December of
16 '06?

17 A. I spoke to her that one time and didn't speak
18 to her again.

19 Q. Ever seen a report from anyone else in Palm
20 Beach that ever spoke to her?

21 A. I don't believe anyone else spoke with her.

22 Q. And you did no background on her to your best
23 recollection in terms of her character, her reputation,
24 her credibility, correct?

25 A. No.

1 Q. Likewise, Ms. [REDACTED], did you do any background
2 to determine whether she was a credible, trustworthy,
3 reliable source of information about Mr. Epstein?

4 A. Based on the sworn taped statement that I took
5 of Ms. [REDACTED], I mean, she had specific knowledge as to
6 persons within the home, descriptions of the home,
7 within the home, within the bath -- you know, the
8 bedroom, the bathroom area.

9 Q. But she was telling you, was she not, that she
10 was emotionally -- had emotional consequences to what
11 she did; is that right? She was crying at different
12 times she was talking to you; is that right?

13 A. Absolutely.

14 Q. And several of the girls did; is that right?

15 A. Absolutely.

16 Q. And one of the realities were that their
17 parents were finding out what happened, correct?

18 A. Yes, in some of the victims, yes, the parents
19 did find out.

20 Q. And that was traumatizing to them, was it not?

21 MS. ARBOUR: Form.

22 THE WITNESS: I'm sure it was embarrassing for
23 them, yes.

24 BY MR. WEINBERG:

25 Q. In fact, with Ms. [REDACTED], it was becoming clear

1 to her and her father that she had lied to her father
2 about her visit with Mr. Epstein, correct?

3 A. Again, I don't know if she lied to her father.
4 I know she went there originally with the intentions to
5 model.

6 Q. But she never told her father she had been
7 paid for topless massages, correct?

8 A. Not to my knowledge.

9 Q. And her father told you what he knew of what
10 she had done or not done with Mr. Epstein, correct?

11 A. As far as he knew, yes.

12 Q. And clearly, there was at least a lie by
13 omission from Ms. [REDACTED] to the father or the father to
14 you, correct, because Ms. [REDACTED] was telling you she did
15 far more than her father told you she did?

16 A. Yes.

17 Q. And she was not the only minor that you
18 interviewed, correct?

19 A. Correct.

20 Q. And therefore, Mr. L. was not the only parent
21 that you had occasion to say that you were doing an
22 investigation in which their daughter was either a
23 witness or a victim, correct?

24 A. Correct.

25 Q. And you know, from having conducted followup

1 and interviews, that parents learned a lot more as a
2 result of your visits than they had learned beforehand
3 regarding what had occurred between their daughters and
4 Mr. Epstein, correct?

5 MS. ARBOUR: Form.

6 THE WITNESS: Right.

7 BY MR. WEINBERG:

8 Q. And that you also knew that some of the tears
9 that were being shed were being shed by the girls
10 because suddenly their parents were involved, correct?

11 MS. ARBOUR: Form.

12 THE WITNESS: I don't know if the tears were
13 because the parents were involved. I know that
14 there was a lot of shame, a lot of embarrassment.

15 BY MR. WEINBERG:

16 Q. A lot of fear, fear of school?

17 MS. ARBOUR: Form.

18 THE WITNESS: I know, in Ms. [REDACTED] case,
19 she was in fear of Mr. Epstein.

20 BY MR. WEINBERG:

21 Q. And do you know in Ms. [REDACTED] case she was
22 also in fear of her school friend in that which she had
23 done?

24 Let's step back a step. What she had done is
25 she had gotten money for a sexual massage, correct?

1 A. She got money for providing a massage while
2 Mr. Epstein touched her breasts and fondled her vagina.

3 Q. Would you consider that this falls within the
4 broad ambit of prostitution?

5 MS. ARBOUR: Form.

6 THE WITNESS: Prostitution would be for sex
7 for money.

8 BY MR. WEINBERG:

9 Q. So Ms. [REDACTED] did not engage in prostitution,
10 but others did, during the course of the investigation?

11 MS. ARBOUR: Form.

12 THE WITNESS: I wouldn't say others did. It's
13 a negotiation. If you're paying for a sex act,
14 it's a negotiation. You get X for Y.

15 BY MR. WEINBERG:

16 Q. So that if the negotiation was purely for a
17 topless massage, then there was no prostitution?

18 MS. ARBOUR: Form.

19 THE WITNESS: Not in my eyes, no.

20 BY MR. WEINBERG:

21 Q. So in your eyes, were any of the so-called
22 victim/witnesses, did any of them engage in
23 prostitution?

24 MS. ARBOUR: Form.

25 THE WITNESS: Do you mean since that time,

1 or --

2 BY MR. WEINBERG:

3 Q. Well, let's start with that time, when
4 Mr. Epstein was the customer. Were any of the women
5 going to his house engaging in prostitution, in your
6 opinion?

7 MS. ARBOUR: Form.

8 THE WITNESS: In my opinion?

9 BY MR. WEINBERG:

10 Q. Yes.

11 A. No.

12 Q. And that included those who were going to his
13 house who were above 18 as well as below 18, correct?

14 MS. ARBOUR: Form.

15 THE WITNESS: Like I was told, people that I
16 interviewed that were above 18, what happened
17 between them were between two consenting adults.

18 BY MR. WEINBERG:

19 Q. And so to your mind, it's not the giving of
20 money, it's the negotiated agreement that constitutes
21 the essential element that distinguishes prostitution
22 from simply a consensual act as long as the people who
23 engaged in it were both over 18?

24 MS. ARBOUR: Form.

25

1 BY MR. WEINBERG:

2 Q. Correct?

3 MS. ARBOUR: Same objection.

4 THE WITNESS: The negotiation part, X for Y.

5 BY MR. WEINBERG:

6 Q. So absent the negotiation, there is no
7 prostitution?

8 MS. ARBOUR: Form.

9 THE WITNESS: No.

10 BY MR. WEINBERG:

11 Q. And therefore, in your opinion, the women
12 going to see Mr. Epstein were not going there pursuant
13 to a prostitution agreement, correct?

14 A. Correct.

15 Q. They were going there as consenting adults or
16 even consenting minors to do something other than
17 prostitution?

18 MS. ARBOUR: Form.

19 THE WITNESS: They were going there to provide
20 the massage but, you're right, it wasn't
21 prostitution.

22 BY MR. WEINBERG:

23 Q. And in fact, had some of these girls that went
24 there who were under 18, had they been over 18, then
25 this entire case would have been a consenting massage

1 case, correct?

2 MS. ARBOUR: Form.

3 MS. FINNIGAN: Form.

4 THE WITNESS: If they were over 18?

5 BY MR. WEINBERG:

6 Q. Yes.

7 A. That it would have just been what, a massage
8 case, you said?

9 Q. It would have been a case between two
10 consenting adults, other than prostitution.

11 MS. ARBOUR: Form.

12 THE WITNESS: Unless we got a complaint.

13 BY MR. WEINBERG:

14 Q. Which you didn't get in this case, other than
15 the [REDACTED] parent March '05 complaint as a result of
16 overhearing a discussion?

17 MS. FINNIGAN: Form.

18 THE WITNESS: Right.

19 BY MR. WEINBERG:

20 Q. Ms. [REDACTED] certainly, although emotional during
21 her interview, never said that anybody forced her to
22 return to Mr. Epstein's house on the second occasion
23 when she gave a second massage, correct?

24 A. Correct.

25 Q. And she never said anybody forced her to bring

1 a friend over for a third visit, correct?

2 A. Correct.

3 Q. And at most, your evidence reflected that
4 there were many young women that, in fact, called
5 Mr. Epstein's house seeking to come over to give him
6 massages, correct?

7 A. Yes, there were messages from various people
8 that called.

9 Q. And that when someone in Mr. Epstein's
10 residence called out to any of these young people, it
11 was, at most, to schedule a visit, correct?

12 MS. ARBOUR: Form.

13 THE WITNESS: Correct.

14 BY MR. WEINBERG:

15 Q. None of these girls complained that Sarah
16 Kellen or anyone else threatened them to come over?

17 A. No, there was no threats to come over, no.

18 Q. No coercion to come over?

19 MS. ARBOUR: Form.

20 MS. FINNIGAN: Form.

21 BY MR. WEINBERG:

22 Q. Is that correct?

23 A. Not that I'm aware of.

24 Q. None of the girls ever told you that their
25 calls with Sarah Kellen were anything more than an

1 visitation to come over?

2 MS. ARBOUR: Form.

3 BY MR. WEINBERG:

4 Q. A scheduling call?

5 MS. ARBOUR: Same objection.

6 BY MR. WEINBERG:

7 Q. Correct?

8 A. As far as I know, yes.

9 Q. And the same with anyone else in Mr. Epstein's
10 household, no one ever said they got a phone call from
11 anyone who lived at El Brillo doing anything more than
12 seeing if they wanted to schedule a visit, correct?

13 MS. ARBOUR: Form.

14 THE WITNESS: I believe so.

15 BY MR. WEINBERG:

16 Q. No one ever said they negotiated amounts of
17 money on the phone; is that correct?

18 A. Not that I recall, no.

19 Q. No one ever said that they were required to
20 make promises of sexual performance on the phone as a
21 condition of being invited to come over?

22 MS. ARBOUR: Form.

23 THE WITNESS: No, I don't believe so.

24 BY MR. WEINBERG:

25 Q. So the phone part of it was simply a

1 scheduling communication, to the best of your knowledge,
2 based on all of your many conversations with your many
3 witnesses?

4 MS. ARBOUR: Form.

5 THE WITNESS: Right.

6 BY MR. WEINBERG:

7 Q. And once they are at his house, none of the
8 girls claimed that he violently forced them to do
9 anything they didn't want; is that correct?

10 MS. ARBOUR: Form.

11 MS. FINNIGAN: Form.

12 THE WITNESS: There was an instance where
13 there was a vaginal penetration.

14 BY MR. WEINBERG:

15 Q. And you recall, as soon as the person
16 protested, Mr. Epstein apologized and stopped that act;
17 is that right?

18 MS. ARBOUR: Form.

19 THE WITNESS: I believe so, yes.

20 BY MR. WEINBERG:

21 Q. And that was Ms. Jane Doe 103?

22 A. Yes.

23 Q. And she was -- turned 18 in December of 2004,
24 correct?

25 MS. FINNIGAN: Form.

1 THE WITNESS: I'm not sure of the time frame
2 where she turned 18.

3 BY MR. WEINBERG:

4 Q. Let me see if I can find this for you. At the
5 bottom of page 10 of that affidavit, on September 11,
6 2005, W [REDACTED] H, DOB, [REDACTED] /1986 was arrested by the Palm
7 Beach Police Department. That's the same Jane Doe 103
8 that we're talking about, correct? It's the very last
9 line. I'm only pointing out the date of birth.

10 A. Yes.

11 Q. So she was 18 as of December 30, 2004,
12 correct?

13 A. What page was that, I'm sorry?

14 Q. This is the bottom of page 10.

15 A. She would have been 18, yes, in 2004.

16 Q. And she didn't give you a date on this one.

17 A. December 30, 2004.

18 Q. 2004. And when you interviewed Ms. Jane Doe
19 103 on October 10th and October 11th, and she told you
20 about this one event where there was momentary
21 penetration, she protested, Mr. Epstein immediately
22 apologized and ended that sex act, that she didn't give
23 you a date that that occurred, did she?

24 A. I can't recall if she did or she didn't.

25 Q. If she gave you a date, it would be in the

1 report --

2 A. Yes, sir.

3 Q. -- and if she didn't, either she didn't
4 remember or she wasn't asked; is that right?

5 MS. ARBOUR: Form.

6 THE WITNESS: No, I know that I would have
7 asked her.

8 BY MR. WEINBERG:

9 Q. So if we don't have a date in the report as to
10 how long before October 10 and 11, 2005 that single
11 event occurred, then she didn't remember; is that right?

12 MS. ARBOUR: Form.

13 THE WITNESS: Can you ask that question one
14 more time?

15 BY MR. WEINBERG:

16 Q. Sure. If there's no date for that --

17 A. Then she did not recall that specific date.

18 Q. And therefore, since she was seeing
19 Mr. Epstein, according to what she told you, over some
20 extensive period of time, it could have occurred while
21 she was -- before December 30, 2004 or it could have
22 occurred after December 30, 2004, we just have no way of
23 knowing?

24 A. It would have been before because one of the
25 last times that she met with him was when she provided

1 her high school transcript because he was going to
2 assist her in getting her into a college.

3 Q. And when was that; a high school transcript?
4 The high school year ends in the spring?

5 A. It would have been, yes.

6 Q. And not in December?

7 A. Correct.

8 Q. And so if she turned 18 in December, that
9 would have been in the middle of her senior year in high
10 school?

11 A. Correct.

12 Q. And therefore, she continued to see
13 Mr. Epstein after she was 18 and up to the period
14 immediately before her graduation in the spring of 2005,
15 correct?

16 Let me date it another way. She was a
17 freshman at college when you went to see her in October
18 of 2005?

19 A. Correct.

20 Q. Therefore, she was a senior in high school up
21 through the spring of 2005?

22 A. Correct.

23 Q. And therefore, since she gave Mr. Epstein her
24 transcript, shortly before or at the time of her
25 graduation, she was still seeing Mr. Epstein for this

1 about five or six-month period after she turned 18 on
2 [REDACTED] 30, 2004?

3 A. I'm trying to recall, because I do remember
4 her stating that she was going less and less. I'm
5 trying to recall, because I know she was going less and
6 less to his residence.

7 Q. Do you recall writing in this probable cause
8 affidavit that events -- that Jane Doe 103 advised you
9 that her relationship continued to escalate during the
10 period she saw Mr. Epstein?

11 A. From the beginning, yes.

12 Q. Yes, and we can -- and this event where she
13 said no and Epstein stopped, was an escalation of their
14 contact in an earlier appearance, correct?

15 A. I'm trying to recall. She had gone to his
16 house -- she had been going to his house for several
17 years, and I think that was the escalation, what you
18 meant.

19 Q. And it's fair to say that some subset of those
20 couple of years occurred after she turned 18, and a
21 significant part of it was before she turned 18,
22 correct?

23 A. The significant part, I would say --

24 Q. If there was two years and she graduated high
25 school in the spring of 2005, then she saw him -- part

1 of it when she was 18, after she turned 18 on
2 [REDACTED] 30, 2004, and part of it was before she was 18,
3 correct?

4 A. I would assume so.

5 Q. And she didn't give you a date when the single
6 act, where she said no and Mr. Epstein stopped occurred,
7 it's not in your report and you don't have an
8 independent memory, correct?

9 A. Correct.

10 Q. How many times have you personally interviewed
11 Ms. Jane Doe 103?

12 A. I want to say two.

13 Q. October in Tallahassee and then again in the
14 March period in Tallahassee again?

15 A. One was in Jacksonville, one was in
16 Tallahassee.

17 Q. And you have not personally seen her or
18 interviewed her since 2006?

19 A. I delivered a grand jury subpoena.

20 Q. To her in April 2006?

21 A. I believe so.

22 Q. And have you ever seen her since then?

23 A. No.

24 Q. Have you ever spoken to her since the grand
25 jury returned an indictment against Mr. Epstein?

1 A. I don't believe so.

2 Q. Have you had any e-mails or text messages or
3 any communication with Ms. Jane Doe 103 in the last
4 three and a half years?

5 A. No.

6 Q. So with Ms. [REDACTED], just so I'm clear, there was
7 no intercourse between her and Mr. Epstein, correct?

8 A. I don't believe so.

9 Q. No oral sex that she complained of to you?

10 A. No.

11 Q. No forced sex she complained of to you?

12 A. No.

13 Q. She never said that she had seen Mr. Epstein
14 anywhere outside of his residence, correct?

15 A. What do you mean?

16 Q. She never claimed that Mr. Epstein took her on
17 his airplane anywhere?

18 A. Ms. [REDACTED]?

19 Q. Yes.

20 A. Not that I'm aware of.

21 Q. And she never claimed that Mr. Epstein took
22 her on any trips outside of his private residence,
23 correct?

24 A. Not that I'm aware of.

25 Q. So the three or four times she and Mr. Epstein

1 were physically in the same location, according to her,
2 occurred exclusively on El Brillo; is that right?

3 A. Yes.

4 Q. Let me switch to another person you
5 interviewed, [REDACTED] Do you remember [REDACTED]?

6 A. Yes.

7 Q. And do you remember interviewing her in
8 November of 2005?

9 A. That would have been around that time.

10 Q. By the way, just let me step back one second.
11 When Ms. [REDACTED] brought another girl to Mr. Epstein's
12 home, she told you she, Ms. [REDACTED], was paid for that; is
13 that right? She was paid --

14 A. Yes.

15 Q. You have no evidence in this case that any of
16 the girls who gave Mr. Epstein massages ever paid money
17 to Mr. Epstein?

18 A. What do you mean?

19 Q. There is no money flowing back to Mr. Epstein,
20 or to any of the people employed by Mr. Epstein, from
21 any of the young women that gave him massages at his
22 house, correct?

23 A. That money went back to Mr. Epstein?

24 Q. Yes.

25 A. Not that I'm aware of.

1 Q. In other words, Mr. Epstein in now way
2 generated personal profits from any of his massages or
3 contacts with any of the witnesses that were involved in
4 your case, correct?

5 MS. ARBOUR: Form.

6 THE WITNESS: Not that I'm aware of.

7 BY MR. WEINBERG:

8 Q. You have no evidence that H.R. ever gave
9 Mr. Epstein money or that L.M. ever gave Mr. Epstein
10 money as part of his share of these incidents, correct?

11 MS. ARBOUR: Form.

12 THE WITNESS: Not that I'm aware of.

13 BY MR. WEINBERG:

14 Q. [REDACTED] told you that she had met Mr. Epstein
15 about a year before your November 8, 2005 interview; do
16 you remember that?

17 A. Uh-huh.

18 Q. And her birth date was [REDACTED] 1987 on
19 page 15 of your affidavit, [REDACTED]/87?

20 A. Yes, sir.

21 Q. So therefore, she was 18 in October of 2005,
22 correct?

23 A. Yes.

24 Q. So therefore, she was 18 when you interviewed
25 her on November 8, 2005; is that right?

1 A. Yes.

2 Q. And if she met Mr. Epstein one year before
3 your interview, then she met him when she was 17?

4 A. Or depending on the date when she met him, she
5 could have been on the edge of 16, beginning of 17.

6 Q. And do you recall who introduced her to
7 Mr. Epstein?

8 A. I believe it was Angela Thomas, maybe.

9 Q. And if your report reflects [REDACTED] would that be
10 Jane Doe 103?

11 A. Yes.

12 Q. And she, like the others, was introduced to
13 Mr. Epstein by a third party, one of their friends; is
14 that right?

15 MS. ARBOUR: Form.

16 THE WITNESS: I'm sorry?

17 BY MR. WEINBERG:

18 Q. Like others, she, [REDACTED] was introduced to
19 Mr. Epstein by another young girl that was friends with
20 Ms. [REDACTED], correct?

21 A. Yes.

22 Q. And that, in this case, was Ms. Jane Doe 103,
23 correct?

24 A. Yes.

25 Q. And Ms. Jane Doe 103 took her to Mr. Epstein's

1 house, correct?

2 A. Yes.

3 Q. And does your report affidavit reflect [REDACTED]
4 had heard that several girls were making money by
5 providing massages to Epstein and she agreed and was
6 taken to the house by Ms. Jane Doe 103?

7 A. Yes.

8 Q. So Ms. Jane Doe 103, like Ms. H.R., would tell
9 people, you know, that if they went to see Mr. Epstein,
10 they were expected to give him a massage, correct?

11 MS. ARBOUR: Form.

12 THE WITNESS: Possibly, yes.

13 BY MR. WEINBERG:

14 Q. And in this case, at least, Ms. [REDACTED] went
15 there with her eyes open? In other words, she
16 volunteered to go there and try to make money by giving
17 Mr. Epstein a massage just like she understood several
18 other girls in her community had done?

19 A. Correct.

20 MS. ARBOUR: Form.

21 BY MR. WEINBERG:

22 Q. And Ms. [REDACTED], like others, never complained to
23 you, she never went to you herself before you went to
24 her; is that right?

25 A. Correct.

1 Q. And she didn't initiate any complaints through
2 any parent, teacher, medical professional, law
3 enforcement officer or anybody else to your knowledge?

4 A. Not to my knowledge.

5 Q. And you went directly to her because she was
6 18 in November, correct?

7 A. Correct.

8 Q. And she told you that she, in fact, during the
9 first time, wearing thong panties, gave Mr. Epstein a
10 massage, correct?

11 A. Yes.

12 Q. And that she received money for that, correct?

13 A. Yes.

14 Q. And there was no prior arrangement of money
15 for sex, so this, too, was not prostitution, correct?

16 A. Correct.

17 Q. And she returned 15 times to Mr. Epstein's
18 residence, correct?

19 A. A total of, yes, that's what she recalled.

20 Q. On at least one of the occasions, she was with
21 Ms. Jane Doe 103 who was also was paid \$200, correct?

22 A. Correct.

23 Q. And Mr. Epstein, in no way financially
24 profited from his relationship with [REDACTED], correct?

25 MS. ARBOUR: Form.

1 THE WITNESS: What do you mean "profited"?

2 BY MR. WEINBERG:

3 Q. He didn't make any money by seeing [REDACTED],
4 correct?

5 MS. ARBOUR: Same objection.

6 THE WITNESS: Not that I'm aware of.

7 BY MR. WEINBERG:

8 Q. He, at most, paid for the massages he
9 received, correct?

10 MS. ARBOUR: Form.

11 BY MR. WEINBERG:

12 Q. That's what Ms. [REDACTED] represented to you?

13 A. Yes.

14 Q. And on one occasion, she said when she was 17,
15 she consensually agreed to engage in sex with
16 Mr. Epstein, correct?

17 A. Yes.

18 Q. Nobody threatened her, right?

19 A. Not that I'm aware of.

20 Q. She seemed like a relatively mature
21 18-year-old when you spoke to her?

22 A. Yes.

23 Q. And this occurred just shortly before her
24 interview with you, correct?

25 A. What do you mean "shortly before"?

1 Q. Meaning that her recollection that on one
2 occasion she had had sex with Mr. Epstein, consensual
3 sex occurred shortly before she was interviewed by you
4 in November of 2005, correct?

5 A. Right.

6 Q. She, too, introduced others to Mr. Epstein,
7 did she not?

8 A. Yes, I believe so.

9 Q. And do you remember interviewing her -- within
10 a week of your interview with Ms. [REDACTED], you interviewed
11 someone with the initials [REDACTED]? We can find this on
12 page 16?

13 A. Yes.

14 Q. At the bottom of page 16 of the affidavit,
15 Detective Samut (phonetic) and you on November 15th, met
16 [REDACTED] and during the sworn statement said she had met
17 Mr. Epstein a year ago. And she was -- her date of
18 birth on this report is [REDACTED] of 1988. Do you see that
19 four lines up on the bottom of page 16?

20 A. It would have been [REDACTED]/87. Is that the one
21 you're talking about?

22 Q. This is on the bottom of page 16,
23 "November 15th, Detective Samut and I met with [REDACTED]."

24 A. You're on -- yeah.

25 Q. I'm probably on a different page than you. Do

1 you see the four lines from the bottom, short paragraph?

2 A. Yeah, right.

3 Q. [REDACTED] date of birth, [REDACTED] 1988."

4 Correct?

5 A. Right.

6 Q. So she said she met Mr. Epstein through [REDACTED],
7 correct?

8 A. I believe so.

9 Q. And Ms. [REDACTED] was accurate with her in saying
10 to her that she could make \$200 giving Mr. Epstein a
11 massage?

12 A. Yes.

13 Q. And Ms. [REDACTED] said the massage would have to be
14 topless, correct?

15 A. I believe so, yes..

16 Q. And [REDACTED] returned several times to
17 Mr. Epstein's home, voluntarily, correct?

18 A. I believe so.

19 Q. Meaning, she agreed to go with Ms. [REDACTED] the
20 first time and meet Mr. Epstein and give him what she
21 knew would be a topless massage?

22 A. I don't know if the word "topless" came in,
23 but I know it was a massage.

24 Q. Take a look at the second -- top of the
25 sentence of the next page. It's at the very top, the

1 top two words.

2 A. "Massage topless," okay.

3 Q. And again, she was, like all of the other
4 girls, had no prior communication with Mr. Epstein,
5 Ms. Kellen or anyone at the El Brillo home before she
6 arrived there physically the first time, correct?

7 A. Correct.

8 Q. And there were no negotiations that you knew
9 of, you know, where prices were discussed, correct?

10 MS. ARBOUR: Form.

11 THE WITNESS: Not that I'm aware of, yes.

12 BY MR. WEINBERG:

13 Q. And what these girls repeatedly told you is
14 that they went to Mr. Epstein's home, invited by one of
15 their friends?

16 MS. ARBOUR: Form.

17 THE WITNESS: They were invited by one of
18 their friends or associates.

19 BY MR. WEINBERG:

20 Q. Came into the first floor and were taken by
21 somebody up to the second floor, correct?

22 A. Correct.

23 Q. And that somebody was usually Sarah?

24 MS. ARBOUR: Form.

25 THE WITNESS: Sarah or, on occasion, it was a

1 Nadia.

2 BY MR. WEINBERG:

3 Q. Well, it could even be L.M.?

4 A. It could have been the person who actually
5 brought them.

6 Q. And that any massage that occurred always
7 occurred on the second floor of Mr. Epstein's El Brillo
8 residence, correct?

9 MS. ARBOUR: Form.

10 THE WITNESS: I believe so.

11 BY MR. WEINBERG:

12 Q. By "always," I mean of all of the witnesses
13 that were interviewed by them, they told you that they
14 went upstairs with someone and entered a room where
15 there was a massage table when Mr. Epstein came into the
16 room, correct?

17 MS. ARBOUR: Form.

18 THE WITNESS: Correct.

19 BY MR. WEINBERG:

20 Q. Now, in 2003 you conducted a very different
21 kind of criminal investigation that related to the same
22 residence at El Brillo on Palm Beach, correct?

23 A. Are you talking about the burglary case?

24 Q. Yes.

25 A. That wasn't my case, but I assisted.

1 Q. You were a participant in the investigation
2 burglary when Mr. Epstein was the victim, correct?

3 A. Correct.

4 Q. As part of your assistance, you brought
5 certain cameras into Mr. Epstein's home; is that
6 correct?

7 A. Correct.

8 Q. And do you recall that Mr. Epstein shared with
9 you that he, himself, attempting to identify who was
10 stealing money from him, had gone out and for the
11 purpose of making that identification, had purchased
12 certain cameras himself?

13 A. I believe so, yes.

14 Q. And that he installed them so that the camera
15 was poking out of a camera on the first floor of his
16 residence, directed towards his desk area where he left
17 a bag that commonly had United States currency, correct?

18 A. I wasn't sure if it was the bag or the drawer,
19 but it was focused on the desk area.

20 Q. Camera, first floor directed to the desk area?

21 A. Yes. It was a bookshelf behind. It was like
22 an L bookshelf.

23 Q. And that you came in and supplemented those
24 cameras to try to help Mr. Epstein identify this thief,
25 correct?

1 A. Correct.

2 Q. And you, thereafter, took out your cameras
3 when the thief was identified by Mr. Epstein, correct?

4 A. Correct.

5 Q. And the thief was identified through
6 photographs of this desk area on the first floor of
7 Mr. Epstein's residence, correct?

8 A. I believe so, yes.

9 Q. And you never saw a camera in the massage room
10 on the second floor of Mr. Epstein's residence during
11 this 2003 period, correct?

12 A. I never went upstairs.

13 Q. None of the girls said that the massages was a
14 videoed or a photographed event, did they?

15 A. One of the girls recalled having their
16 photograph taken while in a tub.

17 But no, I never went upstairs during that
18 investigation, so I don't know if there was any covert
19 cameras up there, so...

20 Q. You don't know that there was one, correct?

21 A. Correct.

22 Q. And the only covert camera you knew of was the
23 one that Mr. Epstein disclosed to you, correct?

24 A. Correct.

25 Q. And he disclosed it to you in saying he

1 purchased it, correct?

2 A. Yes.

3 Q. And he purchased it from a spy store, a store
4 that sold such covert cameras, correct?

5 A. Yes.

6 Q. And he told you, you as a law enforcement
7 officer, that he had done so for a specific purpose,
8 correct?

9 A. It was for that case, yes.

10 Q. Right. To identify someone who was
11 responsible for the theft of currency from the desk area
12 on the first floor?

13 A. I believe it was currency and a gun, if I'm
14 not mistaken.

15 Q. And he never told you he had ever, on any
16 other occasion, purchased a covert camera, correct?

17 A. Not that I'm aware of, no.

18 Q. And with the exception of this one girl who
19 said she was photographed in a tub, no other girl told
20 you that they were photographed, correct?

21 A. I don't believe so.

22 Q. No girl told you that they were videoed,
23 correct? And by "no girl," I mean none of the girls
24 that you interviewed in connection to your 2005
25 investigation of Mr. Epstein.

1 A. I know that was some of their concerns, but I
2 don't believe anyone specifically came out and said, "I
3 was videotaped".

4 Q. Right. Nobody told you that the massage was
5 videoed, to their knowledge?

6 A. To their knowledge, no.

7 Q. And nobody told you that they had seen a
8 camera in the massage room on the second floor of
9 Mr. Epstein's residence.

10 A. I don't recall, because like I said, I know
11 that was one of the concerns.

12 Q. I want to separate out a concern from what
13 they told you they saw. No one ever told you they saw a
14 camera on the second floor of Mr. Epstein's residence?

15 A. I don't recall. I don't recall someone saying
16 that they saw a camera. I know that there was concerns
17 that the incident was videotaped.

18 Q. And they expressed to you that was just a
19 speculative subjective concern, but that they did not
20 see a camera videotaping any massage; is that correct?

21 MS. ARBOUR: Form.

22 THE WITNESS: Not that I can recall.

23 BY MR. WEINBERG:

24 Q. You interviewed roughly 30 different women
25 that had been to Mr. Epstein's home, correct?

1 A. Yes.

2 Q. Some over 18 and some under 18, correct?

3 A. Yes.

4 Q. Some over 18 when you interviewed them, some
5 said that they had been there when they were under 18,
6 correct?

7 MS. ARBOUR: Form.

8 THE WITNESS: Correct.

9 BY MR. WEINBERG:

10 Q. And not a single one of those 30 people told
11 you that they saw a camera on the second floor of
12 Mr. Epstein's residence, correct?

13 MS. ARBOUR: Form, asked and answered.

14 THE WITNESS: I can't recall if anybody
15 specifically came out and said that they saw a
16 camera or not.

17 BY MR. WEINBERG:

18 Q. Nobody, to your current recollection, told you
19 that they saw videotaping of any massage that occurred
20 in Mr. Epstein's residence or any sexual contact that
21 occurred in Mr. Epstein's residence, correct?

22 MS. ARBOUR: Form.

23 THE WITNESS: Not that I can recall.

24 BY MR. WEINBERG:

25 Q. And nobody said that they had ever seen a

1 photograph of themselves in Mr. Epstein's residence with
2 one exception, that being Jane Doe 103, who claimed that
3 a photo was taken of her in a tub, correct?

4 A. I believe it was just Jane Doe 103.

5 Q. Right. Not any of the other 29 or so
6 witnesses that you interviewed, correct?

7 MS. ARBOUR: Form.

8 THE WITNESS: Right.

9 BY MR. WEINBERG:

10 Q. And when you entered Mr. Epstein's home,
11 pursuant to judicial authorization on October 20th, you
12 were looking for photographs, were you not?

13 A. Yes.

14 Q. And you did not find the photo of Ms. Jane Doe
15 103 that she said was taken of her in a tub, correct?

16 A. Correct.

17 Q. And Ms. Jane Doe 103 didn't tell you how many
18 months before October 10 and 11, 2005, the dates of your
19 interview with her, that photo was taken, correct?

20 A. She did not give a specific date, no.

21 Q. So once again, remembering back, she turned 18
22 on [REDACTED] 30, 2004. The photo could have been taken
23 after she was 18, before she was 18, correct?

24 A. It could have been either one.

25 Q. And she never claimed that Mr. Epstein was in

1 the tub with her, did she?

2 A. No. I believe Nadia Marcinkova was with her.

3 Q. At the time of the photo?

4 A. Yes.

5 Q. You're certain she said that?

6 A. I believe so.

7 Q. Is there any reason that you didn't say that
8 in your report?

9 MS. ARBOUR: Form.

10 THE WITNESS: Again, I'm going off
11 recollection.

12 BY MR. WEINBERG:

13 Q. Okay.

14 A. I believe that's what she said to me.

15 Q. And I'll go back. Is there any reason -- I
16 represent to you that's not in your 87-page incident
17 report. Is there any reason you would have omitted such
18 a description of the type of photo that Ms. Jane Doe 103
19 was claiming to you was taken of her in the tub?

20 A. No, I would have not omitted anything from the
21 report.

22 Q. So, therefore, that would have been the kind
23 of detail that you would have included in the report if,
24 in fact, you recalled it happening at or around the time
25 you wrote the report, correct?

1 MS. ARBOUR: Form.

2 THE WITNESS: Yeah. Yes.

3 BY MR. WEINBERG:

4 Q. [REDACTED] Doe 4, do you recall her?

5 A. Do you mean Jane Doe 4?

6 Q. I'm sorry, Jane Doe 4.

7 A. Yes.

8 Q. Do you recall interviewing her in or around
9 October 6, 2005?

10 A. Yes.

11 Q. And do you recall reciting to a judge in a
12 probable cause affidavit certain statements that
13 Ms. Jane Doe 4 made to you?

14 A. I recall I put in -- I put in a lot of
15 information that had been gathered during the
16 investigation for the search warrant.

17 Q. And is it fair to say that -- and I want to
18 focus you on the probable cause affidavit rather than
19 the search warrant affidavit, because that's the one
20 that's in evidence as Exhibit 1, that you said
21 therein -- it's on page 9 if you want to work through
22 Ms. Jane Doe 4 with me -- that you interviewed her on
23 October 6, 2005? That's the bottom paragraph.

24 A. Yes.

25 Q. And that her date of birth was [REDACTED] 1987;

1 is that correct?

2 A. Yes.

3 Q. So at the time you interviewed her, she was
4 over 18, correct?

5 MS. ARBOUR: Form.

6 THE WITNESS: I believe so, yes.

7 BY MR. WEINBERG:

8 Q. And you interviewed her at Lynn University?

9 A. Yes.

10 Q. And you explained to her why you were there,
11 correct?

12 A. Yes.

13 Q. Which is, that you were conducting a criminal
14 investigation of Jeffrey Epstein?

15 A. That is correct.

16 Q. And that's a practice you used when you were
17 introducing yourself to either the adult witnesses who
18 had turned 18 or the parents of the minor witnesses,
19 correct?

20 MS. ARBOUR: Form.

21 THE WITNESS: Correct.

22 BY MR. WEINBERG:

23 Q. And Ms. Jane Doe 4 told you that she was aware
24 of the ongoing investigation; is that correct?

25 A. Yes.

1 Q. And nevertheless, she agreed that she would
2 speak to you; is that right?

3 A. Correct.

4 Q. And she told you that she had known H.R.?

5 A. Yes.

6 Q. And that H.R. was the person who introduced
7 her to Jeffrey Epstein?

8 MS. ARBOUR: Form.

9 THE WITNESS: I believe so.

10 BY MR. WEINBERG:

11 Q. And again, this was not a meeting that was --
12 the introduction of Jane Doe 4 to Epstein by H.R. was--
13 not preceded by --

14 (Ms. O'Connor exits the proceedings.)

15 MR. PIKE: Go ahead and finish the question,
16 but then don't answer until your attorney returns,
17 okay?

18 MR. WEINBERG: Well, we can withdraw that
19 question and take a five-minute break. Let's take
20 a break.

21 (A brief recess was taken.)

22 (Ms. O'Connor re-joins the proceedings.)

23 BY MR. WEINBERG:

24 Q. Page 9 on your affidavit. So Ms. Jane Doe 4's
25 date of birth is [REDACTED] 1987, and she was 18 at the time of

1 your interview, correct?

2 A. I believe so.

3 Q. And since your interview was in October and
4 her birthday was in [REDACTED] she had been 18 for four
5 months?

6 A. (Non-verbal response).

7 Q. Is that correct?

8 MS. ARBOUR: Form.

9 THE WITNESS: I believe so.

10 BY MR. WEINBERG:

11 Q. And she told you that she had been introduced
12 to Jeff Epstein by H.R., correct?

13 A. Correct.

14 Q. And that she, like others who Ms. H.R. brought
15 to Mr. Epstein's house, knew that the purpose for which
16 she was going was to give a massage and receive some
17 money, correct?

18 MS. ARBOUR: Form.

19 THE WITNESS: I believe so, yes.

20 BY MR. WEINBERG:

21 Q. And she told you that she had been there lots
22 of times over two years, correct?

23 MS. ARBOUR: Form.

24 THE WITNESS: Yes. Yes.

25 BY MR. WEINBERG:

1 Q. And she told you that she was comfortable with
2 what she was doing?

3 MS. ARBOUR: Form.

4 BY MR. WEINBERG:

5 Q. Let me put it another way: That if she was
6 uncomfortable, she would not do what she was
7 uncomfortable in doing, correct?

8 MS. ARBOUR: Same objection.

9 THE WITNESS: Right.

10 BY MR. WEINBERG:

11 Q. In other words --

12 A. It was actually even stated in the -- that if
13 she felt uncomfortable, to say so and Mr. Epstein would
14 stop pushing the issue.

15 Q. And she wasn't the first person that told you
16 this; is that correct?

17 MS. ARBOUR: Form.

18 THE WITNESS: I believe so. I believe she
19 wasn't the only one.

20 BY MR. WEINBERG:

21 Q. And you interviewed a number of people that
22 told you that Mr. Epstein would ask them to take off all
23 their clothes, and they would take off as much clothes
24 as they felt comfortable with and were not forced to
25 take off any remaining clothes, correct?

1 A. I know that there were, I believe, one or two
2 that went down to their bra and panties when he told
3 them to get comfortable. And during the interviews,
4 Mr. Epstein stated to take off either their bra and/or
5 panties.

6 Q. And they would either do it or not do it,
7 depending on their choice, correct?

8 MS. ARBOUR: Form.

9 THE WITNESS: Correct.

10 BY MR. WEINBERG:

11 Q. I mean, none of them said Mr. Epstein tore
12 their clothes off --

13 A. No.

14 Q. -- over their objection?

15 A. No.

16 MS. ARBOUR: Form.

17 BY MR. WEINBERG:

18 Q. And all of them told you that he respected the
19 limits that they set; he didn't physically overcome
20 their limits, correct?

21 MS. ARBOUR: Form.

22 THE WITNESS: There was one girl in
23 particular, I can recall, where he was massaging
24 her vagina and told her to relax, I'm not going
25 inside. And she claimed that during the massage,

1 he did go inside digitally, but -- not force
2 himself, it was just the incident we talked about.

3 BY MR. WEINBERG:

4 Q. And then she said no and he stopped, correct?

5 MS. ARBOUR: Form.

6 THE WITNESS: I think she pulled back.

7 BY MR. WEINBERG:

8 Q. And he didn't try it again?

9 MS. ARBOUR: Form.

10 THE WITNESS: He withdrew his fingers, yes.

11 BY MR. WEINBERG:

12 Q. And with the exception of that girl, you
13 interviewed girl after girl after girl that said that
14 limits were set and respected?

15 MS. ARBOUR: Form.

16 THE WITNESS: Aside from the -- Ms. Jane Doe
17 103's.

18 BY MR. WEINBERG:

19 Q. Yes, taking aside Ms. Jane Doe 103 and the one
20 other girl you just mentioned, you interviewed 20 or 30
21 others who made no similar complaint to you, correct?

22 MS. ARBOUR: Form.

23 THE WITNESS: Correct.

24 BY MR. WEINBERG:

25 Q. And they instead said that limits were set by

1 themselves and then Mr. Epstein deferred to those
2 limits?

3 MS. ARBOUR: Form.

4 THE WITNESS: As I recall -- see, I recall,
5 like, interviewing Ms. Jane Doe 103 where she said
6 things became escalating, so I don't know what
7 limits you're referring to.

8 BY MR. WEINBERG:

9 Q. With the limit set by Ms. Jane Doe 103 wherein
10 on one occasion you said Ms. Jane Doe 103 objected and
11 Mr. Epstein stopped. There was no other indication from
12 Ms. Jane Doe 103 that she objected, correct?

13 A. That was the time where --

14 Q. Right. But for that time, Ms. Jane Doe 103
15 never told you that she told Mr. Epstein, don't do that,
16 and he did anyway?

17 A. And that other incident involving the other
18 girl, which I believe was Jane Doe 2, where the
19 insertion of the fingers.

20 Q. And she pulled away and that ended the
21 incident, correct?

22 MS. ARBOUR: Form.

23 THE WITNESS: Yeah, I believe that was --

24 BY MR. WEINBERG:

25 Q. You interviewed 28 other people who didn't

1 make similar allegations, correct --

2 MS. ARBOUR: Form.

3 THE WITNESS: Right.

4 BY MR. WEINBERG:

5 Q. -- who told you that Mr. Epstein deferred to
6 the limits they set, to the massage and to whatever
7 occurred in connection with the massage?

8 MS. ARBOUR: Form.

9 THE WITNESS: Yes.

10 BY MR. WEINBERG:

11 Q. Ms. Jane Doe 4 was one of those people who
12 told you that she told Mr. Epstein she had a boyfriend
13 and would not go beyond certain limits, correct?

14 MS. ARBOUR: Form.

15 THE WITNESS: I believe so.

16 BY MR. WEINBERG:

17 Q. And that she told you that she went to
18 Mr. Epstein's house on a number of occasions and that
19 she provided massages to Mr. Epstein, correct?

20 A. Yes.

21 Q. And that when she expressed feeling
22 uncomfortable, Mr. Epstein would stop pushing whatever
23 was the issue that caused her to say she felt
24 uncomfortable, correct?

25 MS. ARBOUR: Form.

1 THE WITNESS: I believe that's what Ms. H.R.
2 told her.

3 BY MR. WEINBERG:

4 Q. And that's what she said was her experience,
5 too?

6 MS. ARBOUR: Form.

7 THE WITNESS: Yeah.

8 BY MR. WEINBERG:

9 Q. In other words, Ms. H.R. told her, you set the
10 limits, you know, and those limits were being respected,
11 correct?

12 MS. ARBOUR: Form.

13 THE WITNESS: I believe so.

14 BY MR. WEINBERG:

15 Q. And that Ms. Jane Doe 4 corroborated that, in
16 fact, when she set limits, Mr. Epstein respected them?

17 MS. ARBOUR: Form.

18 THE WITNESS: I believe so.

19 BY MR. WEINBERG:

20 Q. And Ms. Jane Doe 4 said that during the period
21 that she was going there, that it was not until, quote,
22 recently, that Jane Doe 4 even began removing her
23 clothes and staying in her thong underwear to provide a
24 massage, correct?

25 A. Correct.

1 Q. In other words, through the vast majority of
2 the period she was seeing Mr. Epstein, she was giving
3 Mr. Epstein massages that she represented to you were
4 given with most of her clothes on?

5 MS. ARBOUR: Form.

6 THE WITNESS: That's what I -- that's what she
7 claimed, yes.

8 BY MR. WEINBERG:

9 Q. And that Ms. Jane Doe 4, like others, said
10 that she was driven over by the person that introduced
11 her, in this case, Ms. H.R.?

12 MS. ARBOUR: Form.

13 THE WITNESS: Right.

14 BY MR. WEINBERG:

15 Q. That she would be met on the first floor by
16 Sarah, correct?

17 A. Correct.

18 Q. That she would voluntarily accompany Sarah
19 upstairs, correct?

20 MS. ARBOUR: Form.

21 THE WITNESS: Correct.

22 BY MR. WEINBERG:

23 Q. And that the massage was always in the
24 upstairs area, correct?

25 MS. ARBOUR: Form.

1 THE WITNESS: Correct.

2 BY MR. WEINBERG:

3 Q. And nobody ever told you that they had engaged
4 in any sexual activity with Mr. Epstein in his first
5 floor office, did they?

6 A. Not that I can recall, no.

7 Q. Or that he ever received a massage in his
8 first floor office, correct? And by "office," I mean
9 that area that that theft of money from his bag or
10 drawer occurred two years before.

11 A. Not that I can recall.

12 Q. And Ms. Jane Doe 4 continued to tell you that,
13 as she described her massages, that on one occasion,
14 Mr. Epstein grabbed her buttocks and when he tried to
15 touch her breasts, she would pull away, tell him to stop
16 and he would stop, correct?

17 MS. ARBOUR: Form.

18 THE WITNESS: Yes.

19 BY MR. WEINBERG:

20 Q. And that, likewise, she said that she set
21 limits and would not permit Mr. Epstein to in any way
22 use a vibrator, correct?

23 MS. ARBOUR: Form.

24 THE WITNESS: Correct.

25 BY MR. WEINBERG:

1 Q. So certainly, with Ms. Jane Doe 4, there was
2 no indication that Mr. Epstein ever did anything except
3 defer to the limits that she set on her massage,
4 correct?

5 MS. ARBOUR: Form.

6 THE WITNESS: She did state that he would try
7 to get away with more and more on each massage,
8 which was quoted in the PC, but...

9 BY MR. WEINBERG:

10 Q. Right. All she had to do was say no, and he
11 stopped.

12 MS. ARBOUR: Form.

13 THE WITNESS: That's pretty much what she
14 stated.

15 BY MR. WEINBERG:

16 Q. With all of the women you interviewed, they
17 were brought to the house by somebody else who was one
18 of their friends; is that correct?

19 MS. ARBOUR: Form.

20 BY MR. WEINBERG:

21 Q. Or associates?

22 MS. ARBOUR: Same objection.

23 THE WITNESS: Pretty much.

24 BY MR. WEINBERG:

25 Q. And it was common practice during these events

1 for the person who brought them to stay at the house
2 during at least the first of the massages, correct?

3 MS. ARBOUR: Form.

4 THE WITNESS: Correct.

5 BY MR. WEINBERG:

6 Q. So that, for instance, Ms. H.R. stayed at the
7 house while Ms. Jane Doe 4 gave Mr. Epstein a massage
8 for the first time, correct?

9 MS. ARBOUR: Form.

10 THE WITNESS: I believe so.

11 BY MR. WEINBERG:

12 Q. And Ms. L.M. stayed at the house while
13 Ms. [REDACTED] gave Mr. Epstein a massage for the first time,
14 correct?

15 A. Correct.

16 Q. When you interviewed Ms. H.R., she never told
17 you that she heard anybody scream or complain or object
18 or protest the massage while she was in the house,
19 correct?

20 MS. ARBOUR: Form.

21 THE WITNESS: I did recall an incident
22 involving a girl by the name of [REDACTED] --

23 BY MR. WEINBERG:

24 Q. Right.

25 A. -- where I think there was a disagreement

1 between Mr. Epstein and Ms. [REDACTED] and there was --

2 Q. She was upset --

3 A. -- she was upset, and I think she left and no
4 moneys were paid.

5 Q. Right. And didn't she come back a second time
6 even though she was upset the first time?

7 MS. ARBOUR: Form.

8 THE WITNESS: Yes, she did.

9 BY MR. WEINBERG:

10 Q. And with that exception, there was no other
11 representation made to you by any of the friends of the
12 masseuses or the people that introduced them to
13 Mr. Epstein, that any of the people that gave him a
14 massage ever had a conflict that they complained about
15 verbally or screamed or yelled in the house, correct?

16 MS. ARBOUR: Form.

17 THE WITNESS: Not that I'm aware of, no.

18 BY MR. WEINBERG:

19 Q. And there were occasions, were there not,
20 where some of these girls that went to Mr. Epstein's
21 house to give massages had boyfriends?

22 MS. ARBOUR: Form.

23 THE WITNESS: I believe so.

24 BY MR. WEINBERG:

25 Q. And on occasion, the guys took the girls to

1 the house --

2 MS. ARBOUR: Form.

3 BY MR. WEINBERG:

4 Q. -- since some of them didn't drive?

5 A. I'm trying to think. I know some took taxis,
6 I know -- I wouldn't know if the boyfriends took them or
7 not.

8 Q. Let me ask you some different kind of
9 questions as we work our way to the lunch break.

10 Have you discussed your testimony with any of
11 the Plaintiffs' lawyers before coming to the first
12 deposition last month?

13 A. I spoke with Mr. Kuvin.

14 Q. Yes.

15 A. I met with him at Starbucks in West Palm prior
16 to the depo.

17 Q. And did he ask you to meet with him or did you
18 ask to meet with him?

19 A. He had called me and asked to meet with me.

20 Q. And did he tell you the purpose of meeting
21 with you was to try to talk to you about the Epstein
22 case?

23 A. I believe so.

24 Q. And you agreed and went and met with him,
25 correct?

1 A. Yes.

2 Q. How long before the prior deposition was that
3 meeting?

4 A. It was actually documented in the report. I
5 did a supplement to that nature. I want to say a month,
6 a month before, a month and a half prior.

7 Q. So this is in 2010?

8 A. Yes.

9 Q. And this was shortly before the first day of
10 the current deposition?

11 A. Yes.

12 Q. And you wrote a report about meeting with
13 Mr. Kuvin?

14 A. Uh-huh.

15 Q. And that report is available to us as a public
16 record?

17 A. Yes. It's with the case number.

18 Q. And the case number being the '06 number or
19 the '05 number?

20 A. The '05 -- well, it's cross referenced back
21 and forth, so...

22 Q. And do you recall what the content of the
23 conversation between you and Mr. Kuvin were?

24 A. It really wasn't much. I mean, I told him --
25 he asked about certain things within the report; I

1 referred him to the report. That was basically it.

2 Q. Was there any discussion of the subjects that
3 he intended to ask you about during the deposition?

4 A. No. He had asked me some certain things
5 regarding the report, and I just referred him to the
6 report. I was like, no, it's documented.

7 Q. Did he ask you whether there was any current
8 investigation ongoing regarding Mr. Epstein?

9 A. I don't believe so.

10 Q. Did he tell you that he was aware of an
11 ongoing investigation being conducted by another agency?

12 A. I don't believe so.

13 Q. Did he discuss with you any knowledge that he
14 possessed regarding any ongoing Federal investigation?

15 A. No, not that I was aware of.

16 Q. Did he try to motivate you to recommence a
17 criminal investigation of Mr. Epstein?

18 A. No.

19 Q. Are you engaged in any ongoing criminal
20 investigation of Mr. Epstein?

21 A. No, I am not, and...

22 Q. Do you know whether anyone else in your
23 department is?

24 A. Nope.

25 Q. Same questions for Mr. Edwards: Did you ever

1 have any communications with Mr. Edwards prior to the
2 start of the deposition that was on March 19, 2010?

3 A. I did speak with Mr. Edwards by telephone some
4 time ago. It might even be documented in the report as
5 well.

6 Q. What's your memory of that conversation? Who
7 called who?

8 A. He called me. There was some reference to a
9 girl that was, what he claimed, was not on the part of
10 the original investigation; that he has a client. I
11 referred him to the FBI, because everything had been
12 turned over to the FBI, so...

13 Q. So he called you to see whether or not his
14 client was in any way included in your prior
15 investigation? What exactly do you recall him saying?

16 A. It was -- he has or had a client, I'm not
17 really sure.

18 Q. Did he name the client?

19 A. No.

20 Q. How would you know whether or not his client
21 was included?

22 A. We have nothing at the police department.
23 Everything was referred over to the FBI, so it was easy
24 for me to say contact the FBI because we have nothing
25 here.

1 Q. And do you have any other recollection of the
2 conversation with Mr. Edwards?

3 A. Not that I'm aware of, no.

4 Q. Do you recall what in the incident report
5 Mr. Kuvin was asking you about?

6 A. No. I know I documented it, but...

7 Q. So whatever the report that you documented
8 would be your best memory of your conversation with him?

9 A. Yes.

10 Q. Now, after the start of the deposition, did
11 you have any further conversations with Mr. Kuvin or
12 Mr. Edwards regarding Mr. Epstein or regarding these
13 proceedings other than the ones that were on the record
14 during the deposition?

15 A. Since the depos started?

16 Q. Yes.

17 A. No.

18 Q. And during the deposition, during any of the
19 breaks in the deposition, did either of the two
20 Plaintiffs' lawyers have any conversations with you of
21 any --

22 A. Nothing case-related. It was just...

23 Q. Same questions regarding Mr. Mermelstein and
24 Mr. Horowitz: Have you ever spoken to them?

25 A. No.

1 Q. And Mr. Garcia?

2 A. No.

3 Q. And anyone from Mr. Josefsberg or anybody from
4 his law firm?

5 A. No.

6 Q. How about investigators, did you know a man
7 name Fisten?

8 A. No.

9 Q. Fandrey?

10 A. No.

11 Q. Jenne?

12 A. No.

13 Q. Has any private investigator ever attempted to
14 interview you regarding Jeffrey Epstein?

15 A. No.

16 Q. Has any private investigator ever informed you
17 that they were conducting surveillance on Jeffrey
18 Epstein's residence?

19 A. No.

20 Q. Did you have occasion to learn that any
21 private investigator was ever conducting a nighttime
22 surveillance of Jeffrey Epstein's residence during the
23 past 12 months?

24 A. No. My -- no. My only involvement with
25 private investigators were the ones that were following

1 me and pulling my trash. But other than that, that's
2 it.

3 Q. Whoever they were, whatever they did, let's
4 put that aside. You've had no direct communication with
5 any person who represented themselves to be working with
6 any of the Plaintiffs' lawyers in this case?

7 A. No.

8 Q. And do you know whether or not Chief Reiter
9 had any communications with any investigator working on
10 the Epstein investigation?

11 A. Not that I'm aware of.

12 Q. Did he ever tell you that he had any
13 communications with Mr. Jenne, or Mr. Fandrey or
14 Mr. Fisten?

15 A. Not that I'm aware of.

16 Q. And have you ever seen any note, report,
17 document, memorandum, e-mail or log entry in the Palm
18 Beach records that anyone had been observed
19 surveillance -- surveying Mr. Epstein's residence in the
20 past 24 months?

21 A. Not that I'm aware of.

22 Q. Would investigators, in a normal course of
23 business, if they were conducting an investigation in a
24 private area of Palm Beach, notify the police that they
25 intended to be parked in a certain area and watching a

1 certain residence?

2 MS. ARBOUR: Form.

3 THE WITNESS: Some do, some don't. In my
4 years of experience, I've encountered private
5 investigators that informed the police department,
6 and there's investigators that don't.

7 BY MR. WEINBERG:

8 Q. Media. The media: Have you, yourself, ever
9 talked to a media representative/reporter named Connolly
10 who was doing an article for Vanity Fair?

11 A. He did telephone me several times and left me
12 voice mails. I believe I called him once and referred
13 him to our media person, which was Janet Consuelo. I
14 said, you know, if you have -- want anything media
15 related, that's the person you need to speak to. I
16 don't speak to media. But other than that...

17 Q. Any other media representative attempt to
18 speak to you?

19 A. Local reporters, they sent me e-mails, but I
20 just referred those to Janet.

21 Q. Sure. And how would they -- did you have
22 e-mail addresses that are accessible to members of the
23 media and the public?

24 A. I mean, they're on my business card, you know,
25 my e-mail address, so...

1 Q. What e-mail address is that on your business
2 card?

3 A. Jrecarey@palmbeachpolice.com.

4 Q. And is that an e-mail that you would use to
5 conduct electronic communications with other police
6 officers on an investigation?

7 A. It's the e-mail that I use for work, yeah.

8 Q. When did you start using that e-mail?

9 A. When we first got it. I mean...

10 Q. How many years ago? Do you recall when you
11 first got an e-mail system or a personal e-mail for
12 yourself?

13 A. I don't know. I would venture to say back in
14 like 2003, 2002.

15 Q. So before the beginning of the investigation
16 of Mr. Epstein?

17 A. (Non-verbal response).

18 Q. And before the beginning of Ms. Pagan's
19 investigation of Mr. Epstein; is that correct?

20 A. I believe so.

21 Q. And what is your practice in terms of using
22 e-mail to communicate with other officers or other
23 detectives engaged in a common investigation?

24 MS. ARBOUR: Form.

25 THE WITNESS: Generally, I don't send e-mails

1 regarding investigations. I mean, I usually
2 forward e-mails to the woman who inputted the
3 supplements into the report. I utilized the
4 e-mails for communication with other agencies,
5 researching information.

6 BY MR. WEINBERG:

7 Q. Were there any other agencies involved in the
8 investigation of Jeffrey Epstein when you began it in
9 the fall of 2005?

10 MS. ARBOUR: Form.

11 THE WITNESS: Not that I'm -- no, not that I'm
12 aware of.

13 BY MR. WEINBERG:

14 Q. And with the exception of Federal agencies,
15 were there any other agencies involved at any time in
16 the investigation of Jeffrey Epstein? Putting aside the
17 FBI and the Federal authorities.

18 A. Not that I'm aware of.

19 Q. And did you use your e-mail to communicate
20 with any Federal authority regarding Jeffrey Epstein?

21 A. I don't believe so.

22 Q. Do you have the e-mail addresses of the
23 various FBI agents who were involved in the Federal
24 investigation of Mr. Epstein?

25 MS. ARBOUR: Form.

1 BY MR. WEINBERG:

2 Q. For instance, Ms. Kirkendahl is the case
3 agent.

4 MS. ARBOUR: Same objection.

5 THE WITNESS: I don't believe so. I don't
6 believe so.

7 BY MR. WEINBERG:

8 Q. Do you know whether or not you ever sent a
9 communication to the FBI from your office in jrecarey
10 e-mail?

11 A. I can't recall, but I don't believe so.

12 Q. How about the media?

13 A. I don't speak to the media, so...

14 Q. How about Chief Reiter?

15 A. Within the agency, yeah, I sent e-mails all
16 the time within the agency to different detectives,
17 secretarial staff, Chief.

18 Q. Was there a decision that was discussed
19 between you and Chief Reiter as to whether or not to
20 make available the incident report to the media, the
21 Epstein 87-page incident report?

22 A. I know I wasn't consulted with that. I mean,
23 that was decisions made.

24 Q. Who made that decision?

25 MS. ARBOUR: Form.

1 BY MR. WEINBERG:

2 Q. To the best of your knowledge.

3 A. You'd have to ask Chief Reiter on that one.

4 Q. Is it ordinary practice of the Palm Beach
5 Police to disseminate incident reports to the media?

6 MS. ARBOUR: Form.

7 THE WITNESS: Once they're filed, they become
8 public record, so you can go into the police agency
9 and ask for any report.

10 BY MR. WEINBERG:

11 Q. And the media has access to the incident
12 reports?

13 A. That's correct.

14 MS. ARBOUR: Form.

15 BY MR. WEINBERG:

16 Q. And was there anything unusual, from your
17 perspective, regarding how this incident report was
18 handled vis-a-vis the media?

19 A. I don't believe so.

20 Q. But if there was, that would have been a
21 decision made by Chief Reiter and not yourself, correct?

22 MS. ARBOUR: Form.

23 THE WITNESS: Correct.

24 BY MR. WEINBERG:

25 Q. This case, this investigation began in March

1 of 2005, correct?

2 A. Correct.

3 Q. With a phone call from someone connected to
4 [REDACTED]'s family into the police department?

5 MS. ARBOUR: Form.

6 BY MR. WEINBERG:

7 Q. Is that right?

8 A. I believe so.

9 Q. And you read a report regarding a debriefing
10 of [REDACTED], correct?

11 MS. ARBOUR: Form.

12 THE WITNESS: I believe so, yes.

13 BY MR. WEINBERG:

14 Q. But you had no ability to reach your own
15 credibility determinations because you, yourself, never
16 reinterviewed Ms. [REDACTED], correct?

17 MS. ARBOUR: Form.

18 THE WITNESS: Correct.

19 BY MR. WEINBERG:

20 Q. And those interviews were exclusively done by
21 others; is that right?

22 MS. ARBOUR: Form.

23 THE WITNESS: Correct.

24 BY MR. WEINBERG:

25 Q. And were there any other young women who were

1 interviewed by the Palm Beach Police between March of
2 2005 and your beginnings of the investigation in late-
3 September of 2005?

4 A. That would have been documented in the report.

5 Q. Do you recall any other woman interviewed
6 during that six-month period?

7 A. I can't recall.

8 Q. Do you recall that trash pulls were occurring
9 during this March and April of 2005 period?

10 A. I did read that, yes.

11 Q. Do you recall that within the trash pulls,
12 there was some references to a belief amongst the
13 officers that there were sex utensils or sex objects
14 that were being identified and pulled out of the trash?

15 A. Yes.

16 MS. ARBOUR: Form.

17 THE WITNESS: I recall the incident, the thing
18 you're talking about, which was later turned out to
19 be a handle of a -- utensils.

20 BY MR. WEINBERG:

21 Q. Of an eating utensil?

22 A. Yeah.

23 Q. And do you recall within the incident report
24 there was a reference to this so-called object as one
25 that was consistent with use of anal sex?

1 A. Yes. They thought originally it was an anal
2 wand.

3 (Mr. Garcia entered the room.)

4 BY MR. WEINBERG:

5 Q. And do you recall that, even after your search
6 on October 20, 2005, wherein you saw lots of similar
7 utensils in the kitchen that clearly were designed for
8 eating; that there was no amendment to the incident
9 report that reflected the discoveries of October 20 in
10 that the believed sex toys were, in fact, kitchen
11 utensils?

12 MS. ARBOUR: Form.

13 (Ms. Finnigan exits the proceedings.)

14 BY MR. WEINBERG:

15 Q. That was a terribly-worded question.

16 A. I was just going to say.

17 Q. Let me reword it.

18 The incident report contained the beliefs of
19 the officers, that what they were picking out of the
20 garbage were sexual mechanisms that --

21 A. Right, they thought they were anal wands.

22 Q. -- they thought were anal wands.

23 A. Right.

24 Q. That on October 20th, when you went to
25 Mr. Epstein's residence, you realized as a professional

1 law enforcement officer that that conclusion was
2 mistaken.

3 A. Correct.

4 Q. That these objects taken out of the garbage
5 were, in fact, parts of eating utensils, correct?

6 A. Correct.

7 Q. Was there ever an amendment to the incident
8 report that reflected the knowledge that what had
9 previously believed to have been a sex utensil was, in
10 fact, an eating utensil?

11 MS. ARBOUR: Form.

12 THE WITNESS: It might have been referenced in
13 the report. I'm not 100 percent certain on that.

14 BY MR. WEINBERG:

15 Q. If it wasn't in the report, then there wasn't
16 an amendment to the report, fair to say?

17 MS. ARBOUR: Form.

18 THE WITNESS: Fair to say.

19 BY MR. WEINBERG:

20 Q. I want to go back to September, when you first
21 got involved. You asked Ms. Pagan and others to send
22 you any tape recordings that had been conducted during
23 the beginning days of the investigation; is that
24 correct?

25 A. Correct.

1 Q. And you wanted to hear the tape recordings,
2 did you not?

3 A. Yes.

4 Q. And even one of the tapes was kind of -- it
5 was broken during the copying for you, correct?

6 A. Correct.

7 Q. And you wanted to hear the tapes because you
8 knew that listening to the tapes would give you the best
9 source of knowledge as to what witnesses were telling
10 police officers in your absence, correct?

11 MS. ARBOUR: Form.

12 THE WITNESS: I wanted to get the perspective
13 of the victim, yes.

14 BY MR. WEINBERG:

15 Q. And the perspective of the victim is more
16 accurately disclosed through a contemporaneous tape
17 recording than through note taking, correct?

18 MS. ARBOUR: Form.

19 THE WITNESS: I believe so.

20 BY MR. WEINBERG:

21 Q. And therefore, the source that you wanted to
22 go to was the tape recordings, correct?

23 A. Correct.

24 Q. Rather than just relying on the narrative that
25 was incorporated into an incident report, correct?

1 A. I wanted to familiarize myself completely with
2 the case.

3 Q. And the best way to do it, you concluded as a
4 professional officer, was to listen to the verbatim tape
5 recordings?

6 MS. ARBOUR: Form.

7 THE WITNESS: As I would on any other case.
8 BY MR. WEINBERG:

9 Q. And you wrote a report, an incident report,
10 that is dated September 26, 2005. Let me just show you
11 this and ask you then to give it back because it's full
12 of notes, but I want to ask you a couple of questions
13 from there. Do you recognize this kind of document?

14 A. Yes. That was a supplement that I had
15 submitted to the secretary to be inputted into the
16 report.

17 Q. And in that supplement, you had referenced in
18 this middle paragraph, "On September 22, I was informed
19 by Sergeant Szarszewski --

20 A. Szarszewski, yes.

21 Q. -- that there would be no trash pickup as it
22 was recycled pickup day." And then you sent a request
23 for copies of the micro and standard-sized cassettes,
24 were requested from Crime Scene to familiarize myself
25 with the interviews conducted.

1 And the crime scene, the crime scene in this
2 investigation was Mr. Epstein's residence, correct?

3 A. No, from the Crime Scene Unit.

4 Q. From the Crime Scene Unit?

5 A. Yes, who holds all evidence from the Palm
6 Beach Police Department.

7 Q. So the word "Crime Scene" refers to a unit
8 within the Palm Beach Police Department?

9 A. The Crime Scene Unit, yes.

10 Q. And they're the evidence custodians?

11 A. Yes.

12 Q. And they have logs of evidence going in and
13 out?

14 A. Correct.

15 Q. Just like you kept logs when different items
16 seized on October 20th were reviewed by you, correct?

17 A. What logs are you referring to?

18 Q. You kept different property logs.

19 A. Oh, the property receipts? Yes. That's done
20 with every piece of evidence that gets submitted into
21 Crime Scene.

22 Q. So therefore, the Crime Scene has a log that
23 would contain an identification of each item of evidence
24 that was maintained by the Palm Beach Police as of
25 September 22, 2005, correct?.

1 A. They have property receipts, yes, copies of
2 the property receipts.

3 Q. So they would have the receipts for the videos
4 that reflected surveillance before September 22nd,
5 correct?

6 A. Correct.

7 Q. They would have property receipts for the
8 results of the trash pulls before September 22nd.

9 A. Correct.

10 Q. And they had the tape recording of their
11 debriefing of [REDACTED], correct?

12 A. Correct.

13 Q. Wherein [REDACTED] said that she went to
14 Mr. Epstein's house on one occasion, correct?

15 A. I believe so, yes.

16 Q. With H.R., correct?

17 A. Yes.

18 Q. Knew what she was going there for?

19 MS. ARBOUR: Form.

20 THE WITNESS: So she claims, yes.

21 BY MR. WEINBERG:

22 Q. Represented herself to be 18 to Mr. Epstein?

23 MS. ARBOUR: Form.

24 THE WITNESS: That, I don't recall.

25

1 BY MR. WEINBERG:

2 Q. If it's in the incident-report, you wouldn't
3 believe that's inconsistent with your memory, correct?

4 MS. ARBOUR: Form.

5 BY MR. WEINBERG:

6 Q. In other words, if it's in your incident
7 report, you have no reason to doubt that she said that?

8 A. Correct.

9 Q. If it was said, it was said to someone else,
10 correct?

11 MS. ARBOUR: Form.

12 THE WITNESS: Correct.

13 BY MR. WEINBERG:

14 Q. Your recollection is that, as you testified to
15 last time, that Nadia took her upstairs, correct?

16 A. Who, [REDACTED]?

17 Q. [REDACTED]

18 A. She is the one who was interviewed by
19 Detective Pagan, but...

20 Q. Right. But she described it that some other
21 woman took her upstairs, correct?

22 A. Some other woman, yes.

23 Q. But she didn't give the name Nadia or Sarah or
24 any third party, correct?

25 A. I believe so.

1 Q. Now, [REDACTED] also told you that immediately after
2 leaving Mr. Epstein's house with the \$200 or \$300 she
3 received that day, she and H.R. went shopping, correct?

4 A. She told Detective Pagan.

5 Q. Right. And she was not the only -- different
6 women told you that they went shopping with the money
7 they got from Mr. Epstein following their massages,
8 correct?

9 MR. GARCIA: Object to the form.

10 THE WITNESS: I can't recall if they told me
11 they went specifically shopping, but...

12 BY MR. WEINBERG:

13 Q. Did you ever ask them what they did with the
14 \$200 they received?

15 A. I might have. I can't recall at this time if
16 I did or didn't.

17 Q. Did you ever ask Jane Doe 103 -- strike that.
18 Jane Doe 103 told you that she had received a
19 significant amount of money because she said she had
20 gone to Mr. Epstein's home on many occasions, correct?

21 MS. ARBOUR: Form.

22 THE WITNESS: Yes.

23 BY MR. WEINBERG:

24 Q. And that it totaled thousands, rather than
25 hundreds, correct?

1 A. I would believe so.

2 Q. And did you ever ask her what she did with her
3 money?

4 A. I can't recall if I did or didn't.

5 Q. Do you recall her declining or refusing to
6 tell you what happened to the money that she made with
7 Mr. Epstein?

8 A. I can't recall.

9 Q. When you drafted the search warrant
10 affidavit --

11 A. Yes, sir.

12 Q. -- this was less than a month into the
13 investigation that was being led by you, correct?

14 MS. ARBOUR: Form.

15 THE WITNESS: Uh-huh.

16 BY MR. WEINBERG:

17 Q. You took it over in the third week of
18 September of 2005?

19 A. Towards the end of September, yes.

20 Q. There had -- and you, one of the first things
21 you did was to interview H.R., correct?

22 A. That was in October.

23 Q. The first week in October, correct?

24 A. Yes.

25 Q. And you went to Ms. H.R.'s house, did you not?

1 A. Yes, I did.

2 Q. Ms. H.R. lived out of Palm Beach, did she not?

3 A. Yes.

4 Q. And the decision was made that you could
5 interview her without the presence of an officer from a
6 different department if she elected to come back to the
7 headquarters, correct?

8 A. Correct.

9 Q. And you asked her to come back to the
10 headquarters, correct?

11 A. Yes, I did.

12 Q. And she agreed to come back to the
13 headquarters, did she not?

14 A. Yes, she did.

15 Q. And at that point in time, when she was at her
16 house and you were asking her to be cooperative, she
17 agreed to be cooperative; is that right?

18 A. Well, she agreed to come back to the Police
19 Department for further questioning.

20 Q. And she agreed essentially to cooperate with
21 your investigation of the interview, right?

22 MS. ARBOUR: Form.

23 THE WITNESS: Correct. I mean, she answered
24 the questions, if that's what you mean.

25 BY MR. WEINBERG:

1 Q. And she answered them by identifying to you at
2 least six other people that she had brought and
3 introduced to Mr. Epstein, correct?

4 A. Correct.

5 Q. And she agreed to talk to you about [REDACTED]; is
6 that right?

7 A. I believe so, yes.

8 Q. And she answered any questions you asked her;
9 is that right?

10 A. Yes.

11 Q. Mr. Epstein was in town at the time; is that
12 right?

13 MS. ARBOUR: Form.

14 BY MR. WEINBERG:

15 Q. Do you recall that your incident report
16 reflects that his --

17 A. Yes, that his plane was in town, yes.

18 Q. And that Ms. H.R. is at the Police Department
19 with you; is that right?

20 A. Uh-huh.

21 Q. She is being interviewed behind a one-way
22 glass so that the content of the interview was being
23 observed by others?

24 A. Yes.

25 Q. And within the Police Department are

1 telephones that you use to call out, correct?

2 A. Yes.

3 Q. And are tape recorders which would permit you
4 to tape record an outgoing phone call, correct?

5 A. Yes.

6 Q. And Ms. H.R. certainly told you that she had
7 spoken on occasion on the phone to Sarah Kellen?

8 A. Yes.

9 Q. And that she had spoken to Sarah for the
10 purpose of scheduling certain visits to Mr. Epstein's
11 home, correct?

12 A. Yes.

13 Q. And that she had Ms. Kellen's phone number?

14 A. Uh-huh.

15 Q. And that she could have called Ms. Kellen
16 while she was at the Police headquarters, correct?

17 A. Yes.

18 Q. And did you decide whether or not you would
19 ask her to make such a call?

20 A. It was within her statement where she claimed
21 she wanted nothing to do with Sarah or Mr. Epstein, that
22 she had stopped communicating with Sarah, so it would
23 have been out of the norm for her to call.

24 Q. You have asked cooperating witnesses to place
25 tape recorded telephone calls to targets of your

1 investigation on other occasions, have you not?

2 A. Yes.

3 Q. And that was certainly an investigative
4 technique that you considered employing in this case?

5 A. Considered it.

6 Q. And then you made a decision as the case agent
7 not to request that Ms. H.R. place a recorded phone call
8 to either Mr. Epstein or Ms. Kellen, correct?

9 A. Correct.

10 Q. And not to return to Mr. Epstein's house
11 wearing a recorder wherein the events that transpired
12 there and the conversations that occurred there could be
13 recorded and transmitted to some -- to law enforcement,
14 correct?

15 A. Correct.

16 Q. Back to the search warrant affidavit. You've
17 authored other search warrant affidavits, have you not?

18 A. Uh-huh.

19 Q. And your goal when you authored them is to be
20 complete and accurate, is it not?

21 A. Yes.

22 Q. You understand that the magistrate -- strike
23 that -- that the judge that's going to review the
24 affidavit ordinarily has no other independent bases to
25 know whether or not to authorize a search of a residence

1 except the information that's being provided to him by
2 the affiant, correct?

3 MS. ARBOUR: Form.

4 THE WITNESS: Correct.

5 BY MR. WEINBERG:

6 Q. And these affidavits are under oath, correct?

7 A. Yes.

8 Q. And they're designed to be accurate and
9 complete, are they not?

10 A. Yes.

11 Q. Because you understand that omissions can be
12 as deceiving as misrepresentations, correct?

13 A. Correct.

14 Q. In this case, you were seeking authority to
15 conduct a search of Mr. Epstein's private residence,
16 correct?

17 A. Correct.

18 Q. And you sought that permission based on an
19 affidavit that reported to the judge the results of
20 certain interviews you conducted?

21 A. Uh-huh.

22 Q. And certain followup investigations, such as
23 the results of trash pulls and phone records; is that
24 right?

25 A. Correct.

1 Q. Within the affidavit, you asked for permission
2 to search any DVDs, any CDs, any computer discs, any
3 media that you could find in Mr. Epstein's residence; is
4 that correct?

5 A. Correct.

6 Q. And in fact, you did seize such CDs, DVDs and
7 various media discs, did you not?

8 A. We seized some.

9 Q. And you searched them --

10 A. Yes.

11 Q. -- not knowing what was on them?

12 A. Correct.

13 Q. And likewise, you seized a Dell computer from
14 a guest house that was a separate and detached residence
15 on the Epstein property; is that correct?

16 A. Correct.

17 Q. And you ultimately gave back anything seized
18 from that separate residence, understanding that it, in
19 essence, was the home of another individual, correct?

20 A. Because it was returned back to the innocent
21 party who had no evidence on his computer as to the
22 items that we were searching, yes.

23 Q. And when you searched these computers, you
24 were looking for anything; is that correct?

25 MS. ARBOUR: Form.

1 BY MR. WEINBERG:

2 Q. When you searched the Dell computer taken from
3 the second residence, did you conduct the search or did
4 a forensic expert conduct it?

5 A. It was sent to the Sheriff's office for
6 imaging, and then the imaging itself was looked at.

7 Q. Not one of your witnesses ever said that they
8 saw Mr. Epstein use a computer; is that correct?

9 A. I'm trying to recall. Not that I can recall.

10 Q. Not one of your witnesses said they ever
11 received an e-mail from Mr. Epstein, correct?

12 A. I can't recall at this time.

13 Q. Not one of your witnesses ever said that when
14 they were at Mr. Epstein's house, they had ever looked
15 at anything on a computer at Mr. Epstein's house or ever
16 seen anything on a computer at Mr. Epstein's house?

17 A. I can't recall.

18 Q. Not one of your witnesses ever said that they
19 had received an e-mail from anyone other than
20 Mr. Epstein who resided at Mr. Epstein's house, correct?

21 A. I can't recall if H.R. claimed that she got an
22 e-mail. That's why I'm not 100 percent certain on the
23 e-mail.

24 Q. If it's not in the incident report, you have
25 no independent memory of anyone telling you that they

1 ever received an e-mail from Sarah Kellen or Nadia or
2 anyone else that resided at Mr. Epstein's home, correct?

3 A. I'm trying to recall. I can't recall.

4 Q. You do recall that the scheduling was done as
5 a routine practice by phone, correct?

6 A. Yes.

7 Q. And that largely, the conversations, to the
8 extent they were explained to you, were simply phone
9 calls to and from Sarah picking a time, picking a date
10 when they would go to Mr. Epstein's home, correct?

11 MS. ARBOUR: Form.

12 THE WITNESS: I believe so.

13 BY MR. WEINBERG:

14 Q. And you saw message pads that confirmed that
15 the message was generally limited to, I'm available,
16 call me, I can come, messages that were reflective of
17 scheduling and an openness to going to Mr. Epstein's
18 home, correct?

19 MS. ARBOUR: Form.

20 BY MR. WEINBERG:

21 Q. We can go through a lot of the messages this
22 afternoon, but...

23 A. I believe so.

24 Q. The investigation you conducted, that included
25 the search on October 20th, continued into November and

1 December of 2005, correct?

2 A. Uh-huh.

3 Q. So it began in March and it continued through
4 December of 2005, correct?

5 A. Yes.

6 Q. The first time you formalized a probable cause
7 affidavit was May 1, 2006, correct?

8 A. Uh-huh.

9 Q. And that probable cause affidavit resulted
10 several months later when the State Attorney was
11 presenting a case to the grand jury?

12 A. That was -- that whole fiasco with the State
13 Attorney's office where originally we were going to go
14 to the grand jury, then we postponed it, and then we
15 were going to go back to the grand jury, then we
16 postponed it, and then they said no, we want a probable
17 cause affidavit. So I submitted it as a probable cause
18 affidavit, and they came back and said no, we want to go
19 back to the grand jury --

20 Q. To cut through it, there was some, to put it
21 mildly, miscommunication between the State Attorney's
22 office and the Palm Beach Police Department?

23 MR. GARCIA: Object to the form.

24 MS. ARBOUR: Form.

25 MR. GARCIA: Mischaracterizes his testimony.

1 BY MR. WEINBERG:

2 Q. Let me go back and start again. In April,
3 they told you they were going to conduct a grand jury
4 and subpoenas went out to certain people, okay?

5 A. It was prior to April, I believe. I think we
6 were in March.

7 Q. So in March, the grand jury subpoenas were
8 served for an April appearance. Does that chronology
9 make sense?

10 A. I think that's when the discussions were back
11 and forth about grand jury.

12 Q. And Ms. Jane Doe 103 was served with a grand
13 jury subpoena?

14 A. I drove up and I served her with a grand jury
15 subpoena.

16 Q. And that grand jury was postponed or canceled,
17 correct?

18 A. Yes.

19 Q. And a second grand jury was thereafter
20 convened during the summer of 2006, correct, months
21 after the first one?

22 A. Yes.

23 Q. And taking that timeline, between the grand
24 jury for which you subpoenaed Ms. Jane Doe 103 the first
25 time and the grand jury that ultimately returned -- was

1 it a five-count charge against Mr. Epstein, two counts
2 with five allegations, if you recall?

3 A. I can't recall.

4 Q. There was one count for lewd and lascivious,
5 and one count for unlawful sex act that was returned by
6 a Palm Beach grand jury in and around June of 2006.

7 MS. ARBOUR: Form.

8 BY MR. WEINBERG:

9 Q. Let me go back. There was a grand jury
10 indictment, correct?

11 A. Yes.

12 Q. Thereafter, there was information?

13 A. Yes.

14 Q. The grand jury indictment charged
15 solicitation, correct?

16 A. I believe so.

17 Q. And that came about on either the end of June
18 or July of 2006, correct? And we can go back --

19 A. I believe you're right. I'm not 100 percent
20 certain, but I believe you're right.

21 Q. And before the grand jury acted, did you and
22 Chief Reiter discuss going to the Federal authorities
23 and bypassing the State Attorney?

24 A. I can't recall. I believe it might have been
25 after, but I'm not 100 percent certain.

1 Q. Do you have any records, notes, reports that
2 would refresh your memory as to the first time that
3 either you or Chief -- or to your knowledge,
4 Chief Reiter communicated with the Federal authorities
5 and asked them to commence or initiate an investigation
6 of Mr. Epstein?

7 MS. ARBOUR: Form.

8 THE WITNESS: No, I don't have any records.

9 BY MR. WEINBERG:

10 Q. And do you know whether or not -- was it you
11 that made that initiation to the Federal government?

12 A. I believe so.

13 Q. And do you recall just how you did that? Did
14 you drive over to the Federal -- to the US Attorney's
15 office? Did you call the FBI? How was the initiation?

16 A. I am also assigned to the Joint Terrorism Task
17 Force, so I have daily communication with people at the
18 FBI, if not every other day. I had the clearance, you
19 know, in and out of the office. But I'm trying to
20 recall. I believe it might have been me.

21 Q. And what's your best recollection as to how
22 this occurred as to, did you go to the FBI, were you
23 talking to them in any way at a Joint Task Force
24 meeting? Did you make it a point to bring this matter
25 to their attention? What's your best recollection of

1 how the dialogue commenced?

2 A. I don't recall. I can't recall.

3 Q. But you do recall at least one conversation
4 with the Federal authorities regarding Mr. Epstein?

5 A. Yes.

6 Q. Do you recall more than one conversation with
7 them?

8 A. I recall a meeting with Junior Ortiz, who was
9 the supervisor, the local supervisor. He was present,
10 Chief Reiter was present, I was present. That would
11 have been in the summer.

12 Q. Do you recall where that meeting occurred?

13 A. It was at the FBI office because it was in
14 Junior's office.

15 Q. Was this before or after the Federal subpoena
16 went out to the Palm Beach PD for the production of
17 their records regarding the State investigation?

18 A. This would have been before.

19 Q. And this is the first meeting you recall
20 wherein Mr. Epstein was discussed with the Federal
21 authorities in your presence?

22 A. Yes, I believe so.

23 Q. And do you recall whether it was you or
24 Chief Reiter that invited -- that initiated this
25 meeting?

1 A. I can't recall. I'm trying to think back.

2 Q. So, who else was at this meeting?

3 A. I know Junior was there, I believe the Chief
4 was there, I was there.

5 Q. And do you recall whether or not you took any
6 notes that were memorialized in any report regarding the
7 content of this meeting?

8 A. No.

9 Q. And was the purpose of you and Chief Reiter
10 going to the FBI and having this meeting to request that
11 they take over the criminal investigation of
12 Mr. Epstein?

13 MS. ARBOUR: Form.

14 THE WITNESS: It wasn't to take over. I
15 believe it was to determine if there was any
16 Federal nexus or any Federal violation, but it
17 wasn't to take over, although subsequently that's
18 what happened, but...

19 BY MR. WEINBERG:

20 Q. And did you and Chief Reiter provide the
21 Federal authorities with whatever information was
22 available to you?

23 A. We didn't have a choice. They came in with a
24 Federal subpoena --

25 Q. Following this meeting?

1 A. -- that they wanted everything pertaining to
2 the case, and everything that was pertaining to the case
3 went with them.

4 Q. Do you have any logs, diaries, calendars,
5 notes that would provide you with the basis to know the
6 date of this meeting?

7 A. Of the Federal subpoena, or --

8 Q. No, of the meeting between you and Chief --

9 A. No, there were no logs.

10 Q. -- Reiter that met with the special agents.

11 Was there any followup that you engaged in?

12 A. Not that I can recall. I mean, once they came
13 in and took over the stuff, that was it.

14 Q. How long did this meeting occur?

15 A. About an hour or so. I wouldn't -- I believe.

16 Q. And do you recall questions that were asked of
17 you during this hour?

18 A. No.

19 Q. And do you recall information that you
20 communicated during this hour?

21 A. No.

22 Q. And do you recall any questions asked of
23 Chief Reiter during this hour?

24 A. No.

25 Q. Do you recall anything said by Chief Reiter to

1 the FBI?

2 A. No, I'm sorry.

3 Q. Who first raised the issue of nexus, of
4 whether there was any Federal nexus to what had been, up
5 to this day, a purely local investigation of activities
6 being conducted of Mr. Epstein's private residence?

7 MS. ARBOUR: Form.

8 THE WITNESS: I can't recall whether it was me
9 or former Chief Reiter.

10 BY MR. WEINBERG:

11 Q. And those conversations occurred before this
12 meeting?

13 A. Either at the meeting or just before the
14 meeting.

15 Q. And did this meeting occur at or around the
16 time that Chief Reiter was writing letters expressing
17 his displeasure with the State and State Attorney's
18 investigation?

19 MS. ARBOUR: Object to form.

20 THE WITNESS: I believe it was after the
21 letters.

22 BY MR. WEINBERG:

23 Q. Do you remember those letters?

24 A. Yes.

25 Q. And those letters were written or drafted and

1 written by Chief Reiter and sent to whom?

2 A. They were sent to some of the parents of the
3 victims.

4 Q. If I represent to you that at least some of
5 those letters were dated in May of 2006, would that jog
6 your memory as to when this meeting with Special Agent
7 Ortiz occurred?

8 A. I believe it would have been after those
9 letters.

10 Q. But before the return of the State grand jury
11 indictment?

12 A. I don't believe it was before the grand jury.
13 I believe it was after the grand jury.

14 Q. So your best memory, therefore, would be that
15 it would be after both the letters and the grand jury?

16 A. Correct.

17 Q. You had different conversations with the State
18 Attorney during this period, with one or more of the
19 State attorneys?

20 A. Yeah, Assistant State attorneys.

21 Q. Which Assistant State attorney do you recall
22 talking to?

23 A. Lanna Belohlavek.

24 Q. Do you recall any conversation with
25 Ms. Belohlavek wherein you discussed whether or not your

1 witnesses were or were not victims?

2 MS. ARBOUR: Form.

3 THE WITNESS: I recall her picking and
4 choosing who she wanted to refer to as a victim.
5 Most of my conversations with her I know were
6 documented in the report.

7 BY MR. WEINBERG:

8 Q. Do you recall words to the effect that you
9 were frustrated with her because one of her opinions
10 were that there was no victims in this case?

11 MS. ARBOUR: Form.

12 THE WITNESS: I did recall that conversation,
13 yes.

14 BY MR. WEINBERG:

15 Q. And what do you recall of that conversation?

16 A. I recall her, after viewing some of the
17 materials that were supplied to her by Dershowitz, she
18 started to claim that the victims were not victims based
19 on the materials that were supplied by the MySpaces.

20 Q. The victims were not victims?

21 A. That's what she was claiming.

22 Q. And this is the State Attorney's statements to
23 you based on her investigation which included her review
24 of materials provided to her by Defense Counsel
25 Professor Alan Dershowitz?

1 MS. ARBOUR: Form.

2 THE WITNESS: I wouldn't consider what she did
3 her investigation. I think she just looked at
4 these girls' MySpace accounts. I wouldn't consider
5 that an investigation.

6 BY MR. WEINBERG:

7 Q. But she had in her possession at this time
8 your incident report?

9 MS. ARBOUR: Form.

10 THE WITNESS: Yes.

11 BY MR. WEINBERG:

12 Q. Your probable cause affidavit?

13 MS. ARBOUR: Form.

14 THE WITNESS: I don't know if it was drafted
15 yet.

16 BY MR. WEINBERG:

17 Q. But she had the raw materials of your many
18 interviews over many months, correct?

19 MS. ARBOUR: Form.

20 THE WITNESS: Yes.

21 BY MR. WEINBERG:

22 Q. She had the results of the search, did she
23 not?

24 A. Yes.

25 Q. She had the message pads available to her, did

1 she not?

2 MS. ARBOUR: Form.

3 THE WITNESS: I don't believe she had the
4 message pads. They were in our evidence.

5 BY MR. WEINBERG:

6 Q. But she could if --

7 A. She had, I think, certain copies of certain
8 pages of them.

9 Q. She had a file as an Assistant State Attorney
10 in charge of a criminal investigation of Mr. Epstein
11 that was being conducted by your department, correct?

12 MS. ARBOUR: Form.

13 THE WITNESS: I believe she did have a file,
14 yes, of items that were given to her by us.

15 BY MR. WEINBERG:

16 Q. She didn't only have that which was provided
17 by the Defense.

18 MS. ARBOUR: No.

19 THE WITNESS: No. She had items that we had
20 provided.

21 BY MR. WEINBERG:

22 Q. And putting aside what you believe was the
23 more important evidence to her, which was her review of
24 the MySpace pages of certain of your witnesses, she did
25 communicate to you, the case agent, her belief that

1 there was no victims in this case?

2 A. Based on what she was observing on those
3 pages. At least that's my opinion.

4 Q. But what her statement to you was: There are
5 no victims in this case?

6 MS. ARBOUR: Form.

7 THE WITNESS: I believe so.

8 BY MR. WEINBERG:

9 Q. And that was made after she reviewed the
10 MySpace pages, correct?

11 MS. ARBOUR: Form.

12 THE WITNESS: I believe so.

13 BY MR. WEINBERG:

14 Q. But also after she had in her possession a
15 very substantial investigative incident report that
16 reflected many interviews with many witnesses conducted
17 both by you and others working with you and by others
18 before you, correct?

19 MS. ARBOUR: Form.

20 THE WITNESS: In my opinion, once

21 Mr. Dershowitz became involved, her demeanor on
22 this case was completely different.

23 BY MR. WEINBERG:

24 Q. And let me go back to square one so we can
25 finish this area and then have lunch.

1 A. Okay.

2 Q. Okay? Before Mr. Dershowitz got involved, she
3 had an incident report, did she not?

4 A. Uh-huh.

5 Q. She had a probable cause -- a search
6 warrant --

7 A. I take that back. Prior to Mr. Dershowitz
8 being involved, I don't believe she had the incident
9 report as of yet. It was still in the investigative
10 stage. The search had been conducted, interviews had
11 been conducted, I had been providing her with copies of
12 the interviews, but I don't believe that she had a copy
13 of the incident report as of yet.

14 Q. Right. And she had copies of certain portions
15 of what ultimately was incorporated into the incident
16 report, correct?

17 MS. ARBOUR: Form.

18 THE WITNESS: I don't believe so.

19 BY MR. WEINBERG:

20 Q. She had -- did she not have copies of results
21 of --

22 A. When the case is under investigation, we're
23 not going to release the incident report. She may have
24 had the face sheet and the -- involving Mr. Epstein's
25 name on it, but that's basically it.

1 Q. And she was the prosecutor in charge of the
2 case?

3 MS. ARBOUR: Form.

4 THE WITNESS: She was one of the prosecutors
5 that was assisting in this case.

6 BY MR. WEINBERG:

7 Q. And when did she make the statement to you,
8 "There are no victims here"?

9 A. This is when we were debating we go to the
10 grand jury, not to go to the grand jury, write me a PC,
11 don't write me a PC, we're going back to the grand jury.

12 Q. Late spring of 2006?

13 A. Like I said, this was ongoing from in the
14 investigative stage. This was prior to the arrest.

15 Q. And she was talking to you about going to the
16 grand jury, correct?

17 A. Whether we were going to go to the grand jury,
18 then we weren't going to go to the grand jury.

19 Q. But the first grand jury, which was scheduled
20 in March or April, different witnesses were subpoenaed
21 to that grand jury, correct?

22 A. Correct.

23 Q. Amongst them was Ms. Jane Doe 103, correct?

24 A. Yes.

25 Q. Amongst them was Ms. [REDACTED], correct?

1 A. Yes.

2 Q. Was amongst them Ms. [REDACTED]?

3 A. Yes.

4 Q. Who else?

5 A. I believe this was it. I think that was the
6 initial -- they were going to do it in sections, and
7 they were going to pick those girls to go first.

8 Q. And the criminal offense that she was
9 investigating at the time was felony solicitation?

10 MS. ARBOUR: Form.

11 THE WITNESS: I don't know what she was
12 looking into. I know what I was seeking.

13 BY MR. WEINBERG:

14 Q. You and her had disagreements about witnesses
15 and charges, correct?

16 A. Yes.

17 Q. And you had disagreements about whether or not
18 the witnesses that you denominated victims and she said
19 weren't victims, you had disagreements over their
20 credibility, did you not?

21 A. Not over their credibility. It was over,
22 like, the MySpace pages. I had the feeling that she was
23 trying to --

24 Q. I don't mean to interrupt, but I want to stick
25 to conversations and evidence and not feelings, so --

1 MR. GARCIA: Go ahead and finish your answer,
2 sir. Don't let him interrupt you. You can finish
3 your answer.

4 THE WITNESS: I had the feeling that she was
5 trying to brush this case under the carpet. That
6 was my --

7 BY MR. WEINBERG:

8 Q. You believed that she was minimizing the case,
9 correct?

10 A. (Non-verbal response).

11 Q. And you believed that one of the reasons she
12 was minimizing the case was her review of the MySpace
13 pages of some of your witnesses, correct?

14 A. I know that the attitude of the State
15 Attorney's office was very pro-assisting us from the
16 very beginning. Once Mr. Dershowitz became involved in
17 the investigative stage, everything changed.

18 Q. So let's talk about these MySpace pages for a
19 minute. MySpace pages are an Internet site where the
20 witnesses herself would put information out there that
21 was available to whoever accessed the site, correct?

22 MS. ARBOUR: Form.

23 THE WITNESS: MySpace is a social network that
24 you can basically create anything that you want to
25 create on a MySpace page.

BY MR. WEINBERG:

Q. And you understood that certain of your witnesses created their own MySpace page, correct?

A. It's possible.

Q. And did you ever, in order to determine any of the background of your witnesses, go on their MySpace pages?

A. I did view some of their MySpace pages, and I did view some of the items that Mr. Dershowitz provided to Mr. Krisher, but we're talking about teenagers who put -- this is information that's put on a site that's not checked for any validity. I can create a site using your information.

Q. Did you ever ask Ms. Jane Doe 103 in any followup interview, is there anything on your site that doesn't depict you?

A. Actually, I never spoke to any of the victims about --

Q. Did you ever do an independent investigation to determine whether any of the information provided by Professor Dershowitz to the State Attorney was fabricated or falsified or externally placed there by some third party?

MS. ARBOUR: Form.

THE WITNESS: No.

1 BY MR. WEINBERG:

2 Q. And the State Attorney was weighing the
3 MySpace information with the information that they were
4 receiving from the Palm Beach Police Department; is that
5 correct?

6 MS. ARBOUR: Form.

7 THE WITNESS: Well, the information and the
8 meetings that Mr. Dershowitz had with Barry
9 Krisher.

10 BY MR. WEINBERG:

11 Q. And you were not present at some of these
12 meetings?

13 A. Correct.

14 Q. So you don't know the full scope of the
15 presentation being made by attorneys, including
16 Professor Dershowitz, on Mr. Epstein's behalf, correct?

17 A. I just found it odd that during the
18 investigative stage, we were already discussing
19 strategies on whether to prosecute or not to prosecute,
20 and this was still in the investigative stage of it.

21 Q. Putting aside your feelings, you were not
22 present at these presentations?

23 A. Some I were.

24 Q. Some you were. You don't know the full scope
25 of the arguments and the evidence that was being

1 provided to the State Attorney by the Defense lawyers,
2 correct?

3 MS. ARBOUR: Form.

4 THE WITNESS: The ones that I chose to go to,
5 I just -- I was privy to some of the information
6 but not all.

7 BY MR. WEINBERG:

8 Q. And the fact is that Lanna Belohlavek --

9 A. Yeah.

10 Q. -- came to separate conclusions from case
11 chief Detective Joe Recarey, regarding the gravity of
12 Mr. Epstein's conduct, correct?

13 MS. ARBOUR: Form.

14 THE WITNESS: I'm sorry?

15 BY MR. WEINBERG:

16 Q. You and the State Attorney's office came to
17 different conclusions in this case, correct?

18 MS. ARBOUR: Form.

19 THE WITNESS: We had our disagreements, yes.

20 BY MR. WEINBERG:

21 Q. And those disagreements led to you and
22 Chief Reiter inviting the FBI agent into this
23 investigation, correct?

24 MS. ARBOUR: Form.

25 THE WITNESS: Not the disagreements. The fact

1 that the case wasn't -- it wasn't -- in my eyes, it
2 wasn't any justice served.

3 BY MR. WEINBERG:

4 Q. Your disagreements with the State Attorney's
5 charge decision led you to go outside the State law
6 enforcement community and transmit information about
7 Mr. Epstein to Federal authorities?

8 MS. ARBOUR: Form, asked and answered.

9 THE WITNESS: And also to see if there was any
10 Federal nexus pertaining to the case.

11 BY MR. WEINBERG:

12 Q. But you sought to determine if there was a
13 Federal nexus relating to this case as a result of your
14 disagreements with the charge decisions that were being
15 made by your State Attorney, correct?

16 MS. ARBOUR: Form.

17 THE WITNESS: I believe so.

18 MR. WEINBERG: Why don't we take a break and
19 have lunch.

20
21 MR. WEINBERG:

22 (A luncheon recess was taken.)
23
24
25

CERTIFICATE OF OATH

STATE OF FLORIDA
COUNTY OF PALM BEACH

I, the undersigned authority, certify that
JOSEPH RE CAREY personally appeared before me and was
duly sworn on the 27th day of April, 2010.

Witness my hand and official seal this 27th
day of April, 2010.

Jeana Ricciuti



Jeana Ricciuti, RPR, FPR, CLRP
Notary Public - State of Florida
My Commission Expires: 2/17/2013
My Commission No.: DD 854778

C E R T I F I C A T E

STATE OF FLORIDA

COUNTY OF PALM BEACH

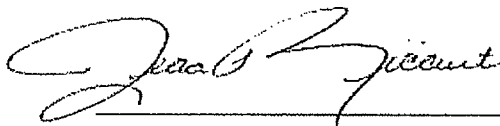
I, Jeana Ricciuti, Registered Professional Reporter and Notary Public in and for the State of Florida at Large, do hereby certify that the aforementioned witness was by me first duly sworn to testify the whole truth; that I was authorized to and did report said deposition in stenotype; and that the foregoing pages numbered 319 to 495 are a true and correct transcription of my shorthand notes of said deposition.

I further certify that said deposition was taken at the time and place hereinabove set forth and that the taking of said deposition was commenced and completed as hereinabove set out.

I further certify that I am not an attorney or counsel of any of the parties, nor am I a relative or employee of any attorney or counsel of party connected with the action, nor am I financially interested in the action.

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Dated this 11th day of May, 2010.



Jeana Ricciuti, RPR, FPR, CLR